

the sales of stocks of merchandise in bulk and preventing fraudulent sales of such stocks creates an emergency requiring that the constitutional rule requiring bills to be read on three several days be suspended, and the same is hereby suspended, and that this act take effect from and after its passage, and it is so enacted.

PETITIONS AND MEMORIALS.

By Senator Adams:

To Hon. W. N. Adams, State Senator, Austin, Texas:

We, the undersigned citizens of Coleman county, Texas, respectfully solicit your support for the pending legislation commonly known as the "bank guarantee bill," believing that some just and equitable law along that line will redound to the best interests of the entire citizenship of the great State of Texas; and believing further that your support of said legislation will carry out the wishes of a large majority of the voters of this section of the State.

Numerously signed.

By Senator Terrell of McLennan:

Petition of eighty-two citizens of Yorktown, favoring a law allowing garnishment of wages for debt under certain conditions.

By Senator Thomas:

To State Senator and Members of the Lower House of the Thirty-first Legislature:

We, the undersigned citizens and cotton growers of Hopkins county, Texas, respectfully ask you to support the differential bill now pending, to abolish the Houston-Galveston differential.

1. Because Galveston is a port at the cost of over ten millions of dollars. We, the producers, protest against the tax of one million dollars per annum for the privilege of going to port with our products.

2. The differential is a specific tax levied upon the producer as against one point in favor of another, while the doctrine of the fathers is for equal rights to all and special privileges to none. Therefore, the differential is undemocratic, unjust and fastens a burden upon the producer against which we enter our most solemn protest.

3. Because cotton is bought and sold for delivery at seaboard and practically over 85 per cent of our cotton of Texas moves through Galveston; therefore, we

protest against an extra special higher rate being added because our cotton is going to deep water.

The differential is an arbitrary tax levied upon the producer without his request or consent; therefore, is undemocratic, unjust and unequitable; therefore, we appeal to the Legislature to promptly relieve and abolish said differential and make the rate of 49 cents to Galveston the same rate as to Houston.

THIRTY-FOURTH DAY.

Senate Chamber,
Austin, Texas,

Friday, February 26, 1909.

Senate met pursuant to adjournment, Lieutenant Governor A. B. Davidson presiding.

Roll call, quorum present, the following Senators answering to their names:

Adams.	Paulus.
Alexander.	Peeler.
Brachfield.	Real.
Bryan.	Senter.
Cofer.	Stokes.
Greer.	Sturgeon.
Harper.	Terrell of Bowie.
Holsey.	Terrell of McLennan.
Hudspeth.	Thomas.
Kellie.	Veale.
Masterson.	Ward.
Mayfield.	Watson.
Meachum.	Weinert.
Murray.	

Absent.

Hayter.	Willacy.
Perkins.	

Absent—Excused.

Hume.

Prayer by the Chaplain, Rev. H. M. Sears.

Pending the reading of the Journal of yesterday, on motion of Senator Cofer, the same was dispensed with.

BILLS AND RESOLUTIONS.

By Senator Kellie (by request):

Senate bill No. 279, A bill to be entitled "An Act to encourage and foster the work of our State school of correspondence, known and designated as 'Cosmopolitical Correspondent College, 2806 North Gradalupe Street, Austin, Texas.'"

Read first time, and referred to Committee on Educational Affairs.

By Senator Veale:

Senate bill No. 280, A bill to be entitled "An Act making it an offense for any person, firm, corporation or association of persons engaged in the sale of spirituous, vinous or malt liquors, or medicated bitters capable of producing intoxication, under the provisions of Article 5060j of the Revised Statutes of the State of Texas, to fail or refuse to file with the clerk of the county court of the county in which his business is transacted, between the first and third days of each month, all prescription upon which they have made sales, as provided in such Article 5060j, verified by an affidavit, and to provide a penalty of a fine and imprisonment and forfeiture of license for failure so to do, and to prevent such person, firm, corporation or association of persons from obtaining a new license for a period of two years after the forfeiture of same."

Read first time, and referred to Judiciary Committee No. 2.

By Senator Veale:

Senate bill No. 281, A bill to be entitled "An Act to validate the resurvey of certain blocks and sections of lands in Swisher county, and to ascertain proper locations of certificates in said county, and declaring an emergency."

Read first time, and referred to Committee on Public Lands and Land Office.

By Senators Peeler and Paulus:

Senate bill No. 282, A bill to be entitled "An Act to regulate the practice of barbering, the registering and licensing of persons to carry on such practice, and to issue the better education of practitioners, and to insure better sanitary conditions in barber shops, and to prevent the spread of disease in the State of Texas; to repeal all laws in conflict herewith, and declaring an emergency."

Read first time, and referred to Judiciary Committee No. 2.

By Senator Peeler:

Senate bill No. 283, A bill to be entitled "An Act to lease to the board of trustees of the Confederate Woman's Home of Austin, Texas, certain described property belonging to the State of Texas, located in the city of Austin."

Read first time, and referred to Committee on Public Lands and Land Office.

By Senator Peeler (by request):

Senate bill No. 284, A bill to be entitled "An Act concerning surety companies authorized to transact business in this

State, and their agents, and to permit such companies and such agents to form an association for the purpose of gathering statistics, exchanging experiences, and ascertaining the fair and reasonable rates to be paid them for their suretyship, and to maintain such rates, and to prevent losses arising from dishonesty or dereliction of duty of public officers, trustees and others, and to prevent discrimination, favoritism or rebates, and declaring an emergency."

Read first time, and referred to Judiciary Committee No. 1.

By Senator Hudspeth:

Senate bill No. 285, A bill to be entitled "An Act to create a more efficient road system for Val Verde county, Texas."

Read first time, and referred to Committee on Roads, Bridges and Ferries.

By Senators Hudspeth and Senter:

Senate bill No. 286, A bill to be entitled "An Act defining and regulating fraternal beneficiary associations, and repealing Chapter 115 of the General Laws of the Twenty-sixth Legislature of the State of Texas, as amended by Chapter 86 of the General Laws of the Twenty-seventh Legislature and by Chapter 113 of the General Laws of the Twenty-eighth Legislature, and by Chapter 106 of the General Laws of the Twenty-ninth Legislature."

Read first time; and referred (by Senator Meachum) to Committee on Insurance, Statistics and History.

By Senators Weinert and Murray:

Senate bill No. 287, A bill to be entitled "An Act to appropriate out of the general revenue of the State of Texas the sum of \$5000 for the purpose of having erected a monument on the public square at Gonzales, Texas, the birthplace of Texas independence, and dedicated to the memory of those who made this spot historic in the first battle of the Texas Revolution, and the further sum of \$200 to defray the expense of properly executing the purpose of this act, and declaring an emergency."

Read first time, and referred (by Senator Meachum) to Finance Committee.

By Senator Alexander:

Senate bill No. 288, A bill to be entitled "An Act to provide an additional method of obtaining service of process on any foreign or non-resident corporation or any receiver thereof doing business in this State, or which has an agent or agents in this State engaged in solicit-

ing business for such corporations or receivers, or who are engaged in transacting in this State any of the business of such corporation, and also to provide an additional method of obtaining service of process on any non-resident railway corporations, or any receiver thereof doing business in this State, which has or maintains in this State an agent or agents, or agency engaged in soliciting business for such corporation or receiver, or who transacts for such corporation or receiver in this State any part of its business, or who sells tickets or makes contracts for the carriage of persons or property over the lines of such corporations, which contracts are recognized, acquiesced in, and acted on by such corporation or receiver, or which permits its trains operated over its own line by its own crews to pass or run without any material change in such trains or crews across the State line of this State on and over the line or lines of any other railway corporation operating a line of railway in this State over which such trains and crews are permitted to run, whether such corporation be chartered under the laws of this State or of some other State, or of the United States, and declaring an emergency."

Read first time, and referred to Committee on Internal Improvements.

By Senator Meachum:

Senate Joint Resolution No. 8, To amend Section 2 of Article 6 of the Constitution of the State of Texas, relating to the qualification of electors.

Read first time, and referred to Committee on Constitutional Amendments.

SIMPLE RESOLUTION.

Senator Brachfield offered the following simple resolution:

Resolved by the Senate, That House bill No. 90 be recalled from Judiciary Committee No. 2 and referred to Committee on Agricultural Affairs.

On motion of Senator Brachfield, the resolution was laid on the table subject to call.

Morning call concluded.

FIRST HOUSE MESSAGE.

Hall of the House of Representatives,
Austin, Texas, February 26, 1909.

Hon. A. B. Davidson, President of the Senate.

Sir: I am directed by the House to

inform the Senate that the House has passed the following:

House bill No. 3, A bill to be entitled "An Act to amend Article 3139 of Chapter 1, Title 62 of the Revised Statutes of Texas of 1895, relating to the qualifications of jurors, and to amend an act entitled 'An Act to amend Subdivision 1 of Article 3139 of Chapter 1, Title 62 of the Revised Statutes of Texas, relating to the qualifications of jurors,' passed at the Regular Session of the Twenty-ninth Legislature, and published in General Laws of said session, page 207."

House bill No. 4, A bill to be entitled "An Act to amend an act to amend Article 3142, and to repeal Articles 3143 and 3144 of Chapter 1, Title 62 of the Revised Statutes of 1895, relating to exemption from jury service, exempting all officers of fire companies or fire departments and their employes in any village, town or city."

Respectfully,

BOB BARKER,

Chief Clerk, House of Representatives.

BILLS READ AND REFERRED.

The Chair (Lieutenant Governor Davidson) had referred, after their captions had been read, the following House bills (see above House message and House message of yesterday for captions of):

House bill No. 3 referred to Judiciary Committee No. 1.

House bill No. 4 referred to Judiciary Committee No. 1.

House bill No. 310 referred to Committee on Roads, Bridges and Ferries.

House bill No. 319 referred to Committee on Roads, Bridges and Ferries.

House bill No. 412 referred to Committee on Roads, Bridges and Ferries.

House bill No. 231 referred to Committee on Educational Affairs.

House bill No. 411 referred to Committee on Roads, Bridges and Ferries.

House bill No. 370 referred to Committee on Roads, Bridges and Ferries.

House bill No. 386 referred to Committee on Educational Affairs.

House bill No. 432 referred to Committee on Educational Affairs.

House bill No. 353 referred to Committee on Judicial Districts.

House bill No. 290 referred to Judiciary Committee No. 2.

House bill No. 15 referred to Committee on Judicial Districts.

House bill No. 360 referred to Committee on Judicial Districts.

House bill No. 470 referred to Committee on Educational Affairs.

House bill No. 414 referred to Committee on Roads, Bridges and Ferries.

House bill No. 349 referred to Committee on Educational Affairs.

SENATE BILL NO. 233 RE-REFERRED.

The Chair here stated that he would withdraw Senate bill No. 233 from Judiciary Committee No. 2, and refer same to Committee on Insurance, Statistics and History, the bill having been referred by mistake.

SENATE BILL NO. 8—REFUSED TO TAKE UP.

Senate bill No. 123 being the pending business, the Chair so stated, and

Senator Holsey moved that the pending order of business (Senate bill No. 123) be suspended, and the Senate take up, out of its order, Senate bill No. 8.

(Pending discussion on the motion, Senator Murray was called to the chair.)

The motion was lost, by the following vote:

Yeas—9.

Bryan.	Senter.
Greer.	Stokes.
Holsey.	Terrell of McLennan.
Mayfield.	Veale.
Murray.	

Nays—16.

Adams.	Meachum.
Alexander.	Paulus.
Brachfield.	Peeler.
Cofer.	Sturgeon.
Harper.	Terrell of Bowie.
Hudspeth.	Ward.
Kellie.	Watson.
Masterson.	Weinert.

Absent.

Hayter.	Thomas.
Perkins.	Willacy.
Real.	

Absent—Excused.

Hume.

SECOND HOUSE MESSAGE.

Hall of the House of Representatives,
Austin, Texas, February 26, 1909.

Hon. A. B. Davidson, President of the Senate.

Sir: I am directed by the House to

inform the Senate that the House has passed the following bill:

House bill No. 522, A bill to be entitled "An Act to amend Sections 1 and 2 of an act entitled 'An Act to reorganize the Forty-seventh Judicial District, and to create the Sixty-ninth Judicial District; to fix the time for holding the terms of the district courts in said districts, and to provide for the appointment of a district judge and district attorney in the said Sixty-ninth Judicial District, and declaring an emergency.'"

Respectfully,

BOB BARKER.

Chief Clerk, House of Representatives.

BILL READ AND REFERRED.

The Chair (Lieutenant Governor Davidson) had referred, after its caption had been read, the following House bill (see above message for caption of):

House bill No. 522 referred to Committee on Judicial Districts.

SENATE BILL NO. 266.

On motion of Senator Kellie the pending order of business (Senate bill No. 123) was suspended, and the Senate took up, out of its order, Senate bill No. 266, by the following vote:

Yeas—24.

Adams.	Murray.
Alexander.	Paulus.
Brachfield.	Peeler.
Bryan.	Senter.
Cofer.	Stokes.
Greer.	Sturgeon.
Holsey.	Terrell of Bowie.
Hudspeth.	Terrell of McLennan.
Kellie.	Veale.
Masterson.	Ward.
Mayfield.	Watson.
Meachum.	Weinert.

Absent.

Harper.	Real.
Hayter.	Thomas.
Perkins.	Willacy.

Absent—Excused.

Hume.

The Chair laid before the Senate, on second reading,

Senate bill No. 266, A bill to be entitled "An Act to grant a new charter to the city of Beaumont, in Jefferson county, Texas, and to fix the boundaries there-

of; and to repeal all laws and parts of laws in conflict herewith, and declaring an emergency."

The committee report, which provided that the bill be not printed, was adopted.

Bill read second time, and ordered engrossed.

On motion of Senator Kellie, the constitutional rule requiring bills to be read on three several days was suspended, and the bill put on its third reading and final passage by the following vote:

Yeas—25.

Adams.	Murray.
Alexander.	Paulus.
Brachfield.	Peeler.
Bryan.	Senter.
Cofer.	Stokes.
Greer.	Sturgeon.
Harper.	Terrell of Bowie.
Holsey.	Terrell of McLennan.
Hudspeth.	Veale.
Kellie.	Ward.
Masterson.	Watson.
Mayfield.	Weinert.
Meachum.	

Absent.

Hayter.	Thomas.
Perkins.	Willacy.
Real.	

Absent—Excused.

Hume.

The bill was read third time, and passed by the following vote:

Yeas—26.

Adams.	Murray.
Alexander.	Paulus.
Brachfield.	Peeler.
Bryan.	Real.
Cofer.	Senter.
Greer.	Stokes.
Harper.	Sturgeon.
Holsey.	Terrell of Bowie.
Hudspeth.	Terrell of McLennan.
Kellie.	Veale.
Masterson.	Ward.
Mayfield.	Watson.
Meachum.	Weinert.

Absent.

Hayter.	Thomas.
Perkins.	Willacy.

Absent—Excused.

Hume.

Senator Kellie moved to reconsider the vote by which the bill was passed, and lay that motion on the table.

The motion to table prevailed.

SENATE BILL NO. 173.

On motion of Senator Mayfield, the pending order of business (Senate bill No. 123) was suspended, and the Senate took up, out of its order, Senate bill No. 173, by the following vote:

Yeas—25.

Adams.	Paulus.
Alexander.	Peeler.
Bryan.	Real.
Cofer.	Stokes.
Greer.	Sturgeon.
Harper.	Terrell of Bowie.
Holsey.	Terrell of McLennan.
Hudspeth.	Veale.
Masterson.	Ward.
Mayfield.	Watson.
Meachum.	Weinert.
Murray.	

Nays—1.

Brachfield.

Absent.

Hayter.	Senter.
Kellie.	Thomas.
Perkins.	Willacy.

Absent—Excused.

Hume.

The Chair laid before the Senate, on second reading,

Senate bill No. 173, A bill to be entitled "An Act to amend Chapter 175 of the General Laws of Texas passed by the Thirtieth Legislature, prescribing compensation of district attorneys, amending said law so that Article 1081a of the Code of Criminal Procedure shall hereafter read as follows, and declaring an emergency."

Bill read second time, and ordered engrossed.

On motion of Senator Mayfield, the constitutional rule requiring bills to be read on three several days was suspended, and the bill put on its third reading and final passage by the following vote:

Yeas—22.

Adams.	Murray.
Alexander.	Paulus.
Bryan.	Peeler.
Cofer.	Real.
Greer.	Stokes.
Harper.	Terrell of Bowie.
Holsey.	Terrell of
Hudspeth.	McLennan.
Kellie.	Veale.
Masterson.	Ward.
Mayfield.	Watson.
Meachum.	

Nays—2.

Brachfield. Sturgeon.
Absent.

Hayter. Thomas.
Perkins. Weinert.
Senter. Willacy.

Absent—Excused.

Hume.

The bill was read third time, and passed by the following vote:

Yeas—22.

Adams. Meachum.
Alexander. Murray.
Bryan. Paulus.
Cofer. Peeler.
Greer. Real.
Harper. Stokes.
Holsey. Terrell of Bowie.
Hudspeth. Terrell of McLennan.
Kellie. Veale.
Masterson. Ward.
Mayfield. Watson.

Nays—2.

Brachfield. Sturgeon.

Absent.

Hayter. Thomas.
Perkins. Weinert.
Senter. Willacy.

Absent—Excused.

Hume.

Senator Mayfield moved to reconsider the vote by which the bill was passed, and lay that motion on the table.

The motion to table prevailed.

SENATE BILL NO. 201.

On motion of Senator Cofer, the pending order of business (Senate bill No. 123) was suspended, and the Senate took up, out of its order, Senate bill No. 201, by the following vote:

Yeas—22.

Adams. Murray.
Alexander. Paulus.
Brachfield. Peeler.
Bryan. Real.
Cofer. Stokes.
Harper. Sturgeon.
Holsey. Terrell of Bowie.
Hudspeth. Terrell of McLennan.
Masterson. Veale.
Mayfield. Ward.
Meachum. Watson.

Absent.

Greer. Senter.
Hayter. Thomas.
Kellie. Weinert.
Perkins. Willacy.

Absent—Excused.

Hume.

The Chair laid before the Senate, on second reading,

Senate bill No. 201, A bill to be entitled "An Act to amend Articles 2941, 2942, 2943, 2944, 2945, 2946, 2947, 2948, 2949, 2950, 2951, 2952 and 2955 of Title 54 of the Revised Statutes of the State of Texas, 1895, relating to the house of correction and reformatory; providing for a change of its name; providing for its control, management, support, maintenance and regulation; providing who shall be or become inmates, paroled or released; providing that juveniles convicted in juvenile courts be sent there; providing means of entrance for all incorrigible boys; repealing all laws in conflict herewith, and declaring an emergency."

(Lieutenant Governor Davidson in the chair.)

The bill was read second time, and Senator Mayfield offered the following amendment, which was read and adopted:

Amend the bill, page 3, line 12, by adding the following after the word "responsibility": "It shall be the duty of the board of trustees and the superintendent to employ a chaplain for said institution, whose salary shall be \$900 per annum, and said chaplain shall give so much time to this institution as shall be required by said board of trustees and superintendent."

MAYFIELD,
ALEXANDER,
MEACHUM,
HOLSEY.

Bill read second time, and ordered engrossed.

On motion of Senator Cofer, the constitutional rule requiring bills to be read on three several days was suspended, and the bill put on its third reading and final passage by the following vote:

Yeas—23.

Adams. Hudspeth.
Alexander. Kellie.
Bryan. Masterson.
Cofer. Mayfield.
Greer. Meachum.
Harper. Paulus.
Holsey. Peeler.

Real.	Veale.
Senter.	Ward.
Stokes.	Watson.
Sturgeon.	Weinert.
Thomas.	

Present—Not Voting.

Murray.

Absent.

Brachfield.	Terrell of Bowie.
Hayter.	Terrell of McLennan.
Perkins.	Willacy.

Absent—Excused.

Hume.

The bill was read third time, and passed by the following vote:

Yeas—26.

Adams.	Murray.
Alexander.	Paulus.
Brachfield.	Peeler.
Bryan.	Senter.
Cofer.	Stokes.
Greer.	Sturgeon.
Harper.	Terrell of Bowie.
Holsey.	Terrell of McLennan.
Hudspeth.	Thomas.
Kellie.	Veale.
Masterson.	Ward.
Mayfield.	Watson.
Meachum.	Weinert.

Absent.

Hayter.	Real.
Perkins.	Willacy.

Absent—Excused.

Hume.

Senator Cofer moved to reconsider the vote by which the bill was passed, and lay that motion on the table.

The motion to table prevailed.

HOUSE BILL NO. 51.

On motion of Senator Watson the pending order of business (Senate bill No. 123) was suspended, and the Senate took up, out of its order, House bill No. 51, by the following vote:

Yeas—27.

Adams.	Kellie.
Alexander.	Masterson.
Brachfield.	Mayfield.
Bryan.	Meachum.
Cofer.	Murray.
Greer.	Paulus.
Harper.	Peeler.
Holsey.	Real.
Hudspeth.	Senter.

Stokes.	Veale.
Sturgeon.	Ward.
Terrell of Bowie.	Watson.
Terrell of McLennan.	Weinert.
Thomas.	

Absent.

Hayter.	Willacy.
Perkins.	

Absent—Excused.

Hume.

The Chair laid before the Senate, on third reading,

House bill No. 51, A bill to be entitled "An Act requiring railways and railroad corporations, or lessees thereof, operating within the State of Texas, and having their repair shops in the State, to repair, renovate and rebuild and overhaul all defective or broken cars, coaches, locomotives or other equipment in the State of Texas, and prohibiting any railway or railroad corporation from sending or moving any defective cars out of the State to be repaired, renovated or rebuilt, and fixing a penalty for the violation of the provisions of this act."

The bill was read third time, and passed.

Senator Watson moved to reconsider the vote by which the bill was passed, and lay that motion on the table.

The motion to table prevailed.

SENATE BILL NO. 94—MADE SPECIAL ORDER.

On motion of Senator Harper, the pending order of business (Senate bill No. 123) was suspended, and the Senate took up, out of its order, Senate bill No. 94, by the following vote:

Yeas—24.

Adams.	Murray.
Alexander.	Peeler.
Brachfield.	Real.
Bryan.	Senter.
Cofer.	Stokes.
Greer.	Sturgeon.
Harper.	Terrell of McLennan.
Holsey.	Thomas.
Hudspeth.	Veale.
Masterson.	Ward.
Mayfield.	Watson.
Meachum.	Weinert.

Absent.

Hayter.	Perkins.
Kellie.	Terrell of Bowie.
Paulus.	Willacy.

Absent—Excused.

Hume.

The Chair laid before the Senate, on second reading,

Senate bill No. 94, A bill to be entitled "An Act to abolish the present Department of Public Health and Vital Statistics and to establish a State Board of Health."

Senator Harper moved that the bill be made a special order for next Tuesday morning at 11 o'clock.

The motion prevailed.

SENATE BILL NO. 159.

On motion of Senator Terrell of McLennan, the pending order of business (Senate bill No. 123) was suspended, and the Senate took up, out of its order, Senate bill No. 159, by the following vote:

Yeas—24.

Adams.	Murray.
Alexander.	Paulus.
Brachfield.	Peeler.
Bryan.	Real.
Cofer.	Senter.
Greer.	Sturgeon.
Harper.	Terrell of McLennan.
Holsey.	Thomas.
Hudspeth.	Veale.
Masterson.	Ward.
Mayfield.	Watson.
Meachum.	Weinert.

Absent.

Hayter.	Stokes.
Kellie.	Terrell of Bowie.
Perkins.	Willacy.

Absent—Excused.

Hume.

The Chair laid before the Senate, on second reading,

Senate bill No. 159, A bill to be entitled "An Act to provide for the appointment of three members of the Senate by the Lieutenant Governor, and four members of the House by the Speaker thereof, who shall constitute a committee on investigation to visit the penitentiaries located at Huntsville and Rusk, respectively, and such other places as convicts of the State may be detained, if in their judgment necessary, to the end that a thorough investigation of the penitentiary system may be made; providing for the recommendations as to the future employment of convict labor, empowering the committee to summon witnesses and administer oaths in the name

of the State, and to employ expert accountants and such other help as needed. Their report, together with evidence taken to be submitted to the Governor of this State when completed, and providing that said committee shall sit in vacation, and making an appropriation therefor, and declaring an emergency."

The bill was read second time, and

Senator Meachum offered the following amendment, which was read and adopted:

Amend the bill by adding in line 20, after the word "therefore," a comma, instead of a period, and then the following words: "And declaring an emergency."

TERRELL,
MEACHUM,
WEINERT.

Senator Meachum offered the following amendment, which was read and adopted:

Amend the bill by striking out all after line 20 down to and including the word "connected," in line 31, page 1.

TERRELL,
MEACHUM,
WEINERT.

Senator Meachum offered the following amendment, which was read and adopted:

Amend the caption of the bill, in line 11, by striking out the words "as convicts of the State may be detained, if in their judgment necessary," and insert in lieu thereof the words, "as in their judgment may be necessary."

And amend the bill on page 2, Section 1, line 5, by striking out all of Section 1, after the word "places," and insert in lieu thereof the words "as in their judgment may be necessary, and are hereby authorized to hold their meetings at such places within this State as they may deem advisable."

TERRELL of McLennan,
WEINERT,
MEACHUM.

Senator Meachum offered the following amendment, which was read and adopted:

Amend the bill in line 13 by striking out all of Section 2, after the word "Rusk," and insert in lieu thereof the following: "And in its report, make such recommendation as to the future operation of such iron industry as they believe, after such investigation, would best subserve the State's interests, and especially to recommend whether or not in their judgment, such industry should

be abandoned or its operation continued by the State."

TERRELL of McLennan,
MEACHUM,
WEINERT.

Senator Meachum offered the following amendment, which was read and adopted:

Amend the bill, line 15, page 2, by inserting after the word "to," and before the word "summon," the following: "Issue all necessary vouchers to," and by adding after the word "oath," in line 16, page 2, the words: "Sworn witnesses summoned before it, and by a majority vote punish for contempt."

TERRELL of McLennan,
WEINERT,
MEACHUM.

Senator Meachum offered the following amendment, which was read and adopted:

Amend the bill, page 3, by striking out Section 8 thereof, and insert in lieu thereof the following: "The fact that the penitentiary system is one of the most important departments of the State government, involving, as it does, the management and control of a large number of convicts, and the annual expenditure of vast sums of money; and that the Governor of Texas in his recent message to the Legislature has recommended that an examination and investigation be made of the management and conduct of the system, to the end that abuses, if found, may be corrected, and improvements in the method of the employments of convicts may be provided when practicable, creates an emergency and an imperative public necessity requiring the suspension of the constitutional rule, which requires bills to be read on three several days in each house, and the rule is hereby suspended, and this act shall take effect and be in force from and after its passage, and it is so enacted."

TERRELL of McLennan,
WEINERT,
MEACHUM.

Senator Paulus offered the following amendment, which was read and adopted:

Amend the bill, page 2, line 1, by striking out word "three" and inserting "four," and in line 2 by striking out "four" and inserting "five."

Bill read second time, and ordered engrossed.

On motion of Senator Terrell of McLennan, the constitutional rule requiring bills to be read on three several days

was suspended, and the bill put on its third reading and final passage by the following vote:

Yeas—26.

Adams.	Murray.
Alexander.	Paulus.
Brachfield.	Peeler.
Bryan.	Real.
Cofer.	Senter.
Greer.	Stokes.
Harper.	Sturgeon.
Holsey.	Terrell of McLennan.
Hudspeth.	Thomas.
Kellie.	Veale.
Masterson.	Ward.
Mayfield.	Watson.
Meachum.	Weinert.

Absent.

Hayter.	Terrell of Bowie.
Perkins.	Willacy.

Absent—Excused.

Hume.

EXECUTIVE SESSION.

The Chair (Lieutenant Governor Davidson) announced that the hour, 12:30 o'clock, had arrived, which time had been designated for the Senate to go into executive session for the purpose of considering appointments sent to the Senate by the Governor on yesterday.

The Senate Chamber was ordered cleared of those not entitled to remain.

IN EXECUTIVE SESSION.

In executive session the following confirmations were made:

Frank S. Roberts of Caldwell county, Texas, to the office of district attorney for the Twenty-second Judicial District of Texas.

Board of Pilot Commissioners for the ports of Sabine Pass and Port Arthur: F. H. Robinson, C. H. Burch, W. H. Gilliland, R. D. Steele, J. H. Forbes.

Board of Pilot Commissioners for the port of Galveston: John Young, Robert B. Strickland, M. O. Nobbe, J. M. O. Menard, J. H. Frick.

IN THE SENATE.

SENATE BILL NO. 159.

Action recurred on Senate bill No. 159. The bill was read third time, and Senator Paulus offered the following amendment:

Amend caption of the bill, page 1, by striking out the word "three," in line 7, and inserting in lieu thereof the word "four," and by striking out the word "four," in line 8, and inserting in lieu thereof the word "five."

The amendment was read, and adopted by the following vote:

Yeas—24.

Adams.	Paulus.
Alexander.	Real.
Brachfield.	Senter.
Bryan.	Stokes.
Cofer.	Sturgeon.
Greer.	Terrell of
Harper.	McLennan.
Holsey.	Thomas.
Hudspeth.	Veale.
Kellie.	Ward.
Mayfield.	Watson.
Meachum.	Weinert.
Murray.	

Absent.

Hayter.	Perkins.
Masterson.	Terrell of Bowie.
Peeler.	Willacy.

Absent—Excused.

Hume.

The bill was read third time, and passed by the following vote:

Yeas—25.

Adams.	Paulus.
Alexander.	Peeler.
Brachfield.	Real.
Bryan.	Senter.
Cofer.	Stokes.
Greer.	Sturgeon.
Harper.	Terrell of McLennan.
Holsey.	Thomas.
Hudspeth.	Veale.
Kellie.	Ward.
Mayfield.	Watson.
Meachum.	Weinert.
Murray.	

Absent.

Hayter.	Terrell of Bowie.
Masterson.	Willacy.
Perkins.	

Absent—Excused.

Hume.

Senator Terrell of McLennan here moved that the bill, as amended, be printed in the Journal.

The motion prevailed.

Following is the bill in full, as amended:

A BILL

To be entitled

An Act to provide for the appointment of four members of the Senate by the Lieutenant Governor and five members of the House by the Speaker thereof, who shall constitute a committee on investigation to visit the penitentiaries located at Huntsville and Rusk, respectively, and such other places as in their judgment may be necessary, to the end that a thorough investigation of the penitentiary system may be made; providing for the recommendations as to the future employment of convict labor, empowering the committee to summon witnesses, and administer oaths in the name of the State, and to employ expert accountants and such other help as needed. Their report, together with evidence taken to be submitted to the Governor of this State when completed; and providing that said committee shall sit in vacation, and making an appropriation therefor, and declaring an emergency.

Be it enacted by the Legislature of the State of Texas:

Section 1. That a committee of four Senators be appointed by the Lieutenant Governor and a committee of five members of the House to be appointed by the Speaker, who shall constitute a committee on investigation, who shall visit the Huntsville and Rusk penitentiaries, and all other places as in their judgment may be necessary, and are hereby authorized to hold their meetings at such place within this State as they may deem advisable.

Sec. 2. They are hereby instructed to make a thorough and complete examination of the financial conditions of the penitentiary system, employing such help as may be deemed necessary to the end that a full, fair, complete and exhaustive examination be made of the entire penitentiary system covering a period from January 1, 1907, to the present time. The committee is further instructed to make an investigation of the iron industry at Rusk, and in its report make such recommendations as to the future operation of such iron industry as they believe, after such investigation, would best subserve the State's interest, and especially to recommend whether or not, in their judgment, such industry should be abandoned or its operation continued by the State.

Sec. 3. This committee shall have

the power to issue all necessary process to summon witnesses, in the name of the State, to appear before it under oath, swear witnesses summoned before it, and by a majority vote punish for contempt, and a record shall be kept of all testimony taken. The committee shall, as soon as appointed by the presiding officers of the Senate and House, respectively, meet and elect one of its members chairman, and the chairman may designate certain members of the committee to visit any or all places in the State where convicts are detained, said members making an investigation and reporting same to the full committee.

Sec. 4. Said committee shall perform its duties as soon after the adjournment of the Legislature as it may deem practicable and when its labors have been performed it shall make a written report to the Governor of the State, together with all the evidence taken during the investigation.

Sec. 5. The members of this committee shall receive as compensation for their service the sum of five (\$5.00) dollars per day.

Sec. 6. All traveling, hotel and other necessary expenses of said committee shall be paid out of an appropriation hereinafter provided for. The account of each member must be itemized and approved by the chairman, after which the Comptroller of Accounts is authorized to issue voucher for same.

Sec. 7. The sum of five thousand (\$5000) dollars, or so much thereof as may be necessary is hereby appropriated out of any funds in the State Treasury not otherwise appropriated to defray the expense of said investigation.

Sec. 8. The fact that the penitentiary system is one of the most important departments of the State government, involving, as it does, the management and control of a large number of convicts, and the annual expenditure of vast sums of money; that the Governor of Texas in his recent message to the Legislature has recommended that an examination and investigation be made of the management and conduct of the system to the end that abuses, if found, may be corrected, and improvement in the methods of employment of convicts may be provided wherever practicable, creates an emergency and an imperative public necessity requiring the suspension of the constitutional rule which requires bills to be read on three several days in each House be suspended, and the rule is hereby suspended, and

this act shall take effect and be in force from and after its passage, and it is so enacted.

SENATE BILL NO. 202.

On motion of Senator Sturgeon, the pending order of business (Senate bill No. 123) was suspended, and the Senate took up, out of its order, Senate bill No. 202, by the following vote:

Yeas—25.

Adams.	Paulus.
Alexander.	Peeler.
Brachfield.	Real.
Bryan.	Senter.
Cofer.	Stokes.
Greer.	Sturgeon.
Harper.	Terrell of McLennan.
Holsey.	Thomas.
Hudspeth.	Veale.
Kellie.	Ward.
Mayfield.	Watson.
Meachum.	Weinert.
Murray.	

Absent.

Hayter.	Terrell of Bowie.
Masterson.	Willacy.
Perkins.	

Absent—Excused.

Hume.

The Chair laid before the Senate, on second reading,

Senate bill No. 202, A bill to be entitled "An Act to amend Section 9 of Chapter 65 of the General Laws of the Thirtieth Legislature, entitled 'An Act to define "delinquent child" and to regulate the treatment and control of same'; providing for commitment of delinquent juveniles to the State Institute for the Training of Juveniles; providing procedure, repealing all laws in conflict herewith, and declaring an emergency."

The bill was read second time, and Senator Alexander offered the following amendment, which was read and adopted:

Amend the bill by adding the words "and incorrigible" in the caption, line 9, page 1 of the printed bill, after the word "delinquent."

Bill read second time, and ordered engrossed.

On motion of Senator Sturgeon, the constitutional rule requiring bills to be read on three several days was suspended, and the bill put on its third reading and final passage by the following vote:

Yeas—24.

Adams.	Meachum.
Alexander.	Murray.
Brachfield.	Paulus.
Bryan.	Peeler.
Cofer.	Real.
Greer.	Stokes.
Harper.	Sturgeon.
Holsey.	Thomas.
Hudspeth.	Veale.
Kellie.	Ward.
Masterson.	Watson.
Mayfield.	Weinert.

Absent.

Hayter.	Terrell of Bowie.
Perkins.	Terrell of McLennan.
Senter.	Willacy.

Absent—Excused.

Hume.

The bill was read third time, and passed by the following vote:

Yeas—26.

Adams.	Murray.
Alexander.	Paulus.
Brachfield.	Peeler.
Bryan.	Real.
Cofer.	Senter.
Greer.	Stokes.
Harper.	Sturgeon.
Holsey.	Terrell of McLennan.
Hudspeth.	Thomas.
Kellie.	Veale.
Masterson.	Ward.
Mayfield.	Watson.
Meachum.	Weinert.

Absent.

Hayter.	Terrell of Bowie.
Perkins.	Willacy.

Absent—Excused.

Hume.

Senator Sturgeon moved to reconsider the vote by which the bill was passed, and lay that motion on the table.

The motion to table prevailed.

RESIGNATION OF ASSISTANT ENGROSSING CLERK.

The Chair here laid the following before the Senate:

Austin, Texas, February 26, 1909.

Hon. A. B. Davidson, President of the Senate.

Sir: I hereby tender my resignation

as Assistant Engrossing Clerk of the Senate of the Thirty-first Legislature.

Respectfully,

GEO. H. BARNEY.

The resignation was accepted, on motion of Senator Kellie.

SENATE BILL NO. 115.

On motion of Senator Hudspeth, the pending order of business (Senate bill No. 123) was suspended, and the Senate took up, out of its order, Senate bill No. 115, by the following vote:

Yeas—26.

Adams.	Murray.
Alexander.	Paulus.
Brachfield.	Peeler.
Bryan.	Real.
Cofer.	Senter.
Greer.	Stokes.
Harper.	Sturgeon.
Hayter.	Terrell of McLennan.
Holsey.	Thomas.
Hudspeth.	Veale.
Kellie.	Ward.
Masterson.	Watson.
Meachum.	Weinert.

Nays—1.

Mayfield.

Absent.

Perkins.	Willacy.
Terrell of Bowie.	

Absent—Excused.

Hume.

The Chair laid before the Senate, on third reading,

Senate bill No. 115, A bill to be entitled "An Act to provide additional compensation to all judges and district attorneys in the district courts of this State by allowing compensation for actual necessary traveling expenses while engaged in the discharge of their official duties in counties other than the county of their residence, and declaring an emergency."

The bill was read third time, and passed by the following vote:

Yeas—20.

Adams.	Meachum.
Alexander.	Murray.
Bryan.	Paulus.
Cofer.	Peeler.
Hudspeth.	Real.
Kellie.	Senter.
Masterson.	Stokes.

Terrell of McLennan. Ward.
 Thomas. Watson.
 Veale. Weinert.

Nays—6.

Brachfield. Holsey.
 Greer. Mayfield.
 Harper. Sturgeon.

Absent.

Hayter. Terrell of Bowie.
 Perkins. Willacy.

Absent—Excused.

Hume.

Senator Hudspeth moved to reconsider the vote by which the bill was passed, and lay that motion on the table.

The motion to table prevailed.

SENATE BILL NO. 203.

On motion of Senator Ward, the pending order of business (Senate bill No. 123) was suspended, and the Senate took up, out of its order, Senate bill No. 203, by the following vote:

Yeas—25.

Adams. Paulus.
 Alexander. Peeler.
 Brachfield. Real.
 Bryan. Senter.
 Cofer. Stokes.
 Greer. Sturgeon.
 Harper. Terrell of McLennan.
 Holsey. Thomas.
 Hudspeth. Veale.
 Kellie. Ward.
 Mayfield. Watson.
 Meachum. Weinert.
 Murray.

Absent.

Hayter. Terrell of Bowie.
 Masterson. Willacy.
 Perkins.

Absent—Excused.

Hume.

The Chair laid before the Senate, on second reading,

Senate bill No. 203, A bill to be entitled "An Act to amend Articles 1145 and 1146 of Title 17 of the Code of Criminal Procedure of the State of Texas as adopted in the Revised Statutes of 1895, relating to the house of correction and reformatory; providing that in certain cases persons under sixteen years of age convicted of felony shall be confined in the State Institute for the Training of Juveniles; providing that this amendment shall not effect, modify or vitiate

any judgment heretofore rendered, confining any person to the house of correction or reformatory; repealing all laws in conflict herewith, and declaring an emergency."

Senator Alexander offered the following amendment, which was read and adopted:

Amend the bill, line 22, page 2, by striking out the words "and shall be" after the word "rendered."

Senator Cofer offered the following amendment, which was read and adopted:

Amend Senate bill No. 203, an act to amend Articles 1145 and 1146, Title 17 of the Code of Criminal Procedure, relating to the House of Correction and Reformatory, by inserting after the words "of his sentence," in line 2, page 2, the following: "Provided, that such conviction and serving of sentence shall not deprive such defendant of any of his rights of citizenship when he shall become of legal age."

Bill read second time, and ordered engrossed.

On motion of Senator Ward, the constitutional rule requiring bills to be read on three several days was suspended, and the bill put on its third reading and and final passage by the following vote:

Yeas—25.

Adams. Paulus.
 Alexander. Peeler.
 Brachfield. Real.
 Bryan. Senter.
 Cofer. Stokes.
 Greer. Sturgeon.
 Harper. Terrell of McLennan.
 Holsey. Thomas.
 Hudspeth. Veale.
 Kellie. Ward.
 Mayfield. Watson.
 Meachum. Weinert.
 Murray.

Absent.

Hayter. Terrell of Bowie.
 Masterson. Willacy.
 Perkins.

Absent—Excused.

Hume.

The bill was read third time, and passed by the following vote:

Yeas—25.

Adams. Greer.
 Alexander. Harper.
 Brachfield. Holsey.
 Bryan. Hudspeth.
 Cofer. Kellie.

Mayfield.	Sturgeon.
Meachum.	Terrell of McLennan.
Murray.	Thomas.
Paulus.	Veale.
Peeler.	Ward.
Real.	Watson.
Senter.	Weinert.
Stokes.	

Absent.

Hayter.	Terrell of Bowie.
Masterson.	Willacy.
Perkins.	

Absent—Excused.

Hume.

Senator Ward moved to reconsider the vote by which the bill was passed, and lay that motion on the table.

The motion to table prevailed.
(Senator Meachum in the chair.)

SENATE BILL NO. 167.

On motion of Senator Stokes, the pending order of business (Senate bill No. 123) was suspended, and the Senate took up, out of its order, Senate bill No. 167, by the following vote:

Yeas—25.

Adams.	Paulus.
Alexander.	Peeler.
Brachfield.	Real.
Bryan.	Senter.
Cofer.	Stokes.
Greer.	Sturgeon.
Harper.	Terrell of McLennan.
Holsey.	Thomas.
Hudspeth.	Veale.
Kellie.	Ward.
Mayfield.	Watson.
Meachum.	Weinert.
Murray.	

Absent.

Hayter.	Terrell of Bowie.
Masterson.	Willacy.
Perkins.	

Absent—Excused.

Hume.

The Chair laid before the Senate, on second reading.

Senate bill No. 167. A bill to be entitled "An Act to amend Article 1264 of the Revised Statutes of 1895 and to fix the time of filing an answer in all cases where the defendant is cited by publication."

There being a favorable majority committee report and an unfavorable minority committee report,

Senator Stokes moved the adoption of

the majority committee report, and Senator Brachfield moved, as a substitute, that the minority committee report be adopted.

RECESS.

On motion of Senator Murray, the Senate, at 1:15 recessed until 3 o'clock today.

AFTER RECESS.

The Senate was called to order by Lieutenant Governor Davidson.

THIRD HOUSE MESSAGE.

Hall of the House of Representatives,
Austin, Texas, February 26, 1909.

Hon. A. B. Davidson, President of the Senate.

Sir: I am directed by the House to inform the Senate that the House has passed the following bill:

House bill No. 490, A bill to be entitled "An Act to exempt Bell county from the provisions contained in Section 1 of Chapter 188 of the General Laws of the Regular Session of the Thirtieth Legislature, relative to the appointment and qualification of county auditors."

Respectfully,

BOB BARKER,

Chief Clerk, House of Representatives.

SENATE BILL NO. 286.

Senator Senter here moved that Senate bill No. 286, introduced today, be printed in full in the Journal.

The motion prevailed.

Following is the bill in full:

A BILL

To be entitled

An Act defining and regulating fraternal beneficiary associations, and repealing Chapter 115 of the General Laws of the Twenty-sixth Legislature of the State of Texas, as amended by Chapter 86 of the General Laws of the Twenty-seventh Legislature, and by Chapter 113 of the General Laws of the Twenty-eighth Legislature, and by Chapter 106 of the General Laws of the Twenty-ninth Legislature.

Be it enacted by the Legislature of the State of Texas:

Section 1. Fraternal Beneficiary Associations Defined.—Any corporation, so

ciety, order or voluntary association without capital stock, organized and carried on solely for the mutual benefit of its members and their beneficiaries, and not for profit, and having a lodge system with ritualistic form of work, and representative form of government, and which shall make provision for the payment of maximum death benefits of not less than \$1000, is hereby declared to be a fraternal beneficiary association.

Sec. 2. Lodge System Defined.—Any association having a supreme governing or legislative body, and subordinate lodges or branches, by whatever name known, into which members shall be elected in accordance with its constitution, laws, rules and regulations and initiated in accordance with the prescribed ritualistic ceremonies in lodge sessions, which subordinate lodges or branches shall be required by the laws of such association to hold regular or stated meetings at least once in each month, shall be deemed to be operating under the lodge system.

Sec. 3. Representative Form of Government Defined.—Any association shall be deemed to have a representative form of government when it shall provide in its constitution and laws for a supreme legislative or governing body, composed of representatives elected by the members or by delegates elected directly or indirectly by the members, together with such other members as may be prescribed by its constitution and laws; provided, that the elective representatives shall constitute a majority in number and have not less than a majority of the votes, nor less than the votes required to amend its constitution and laws, and provided further, that the meetings of the supreme or governing body and the election of officers shall be held as often as once in four years.

Sec. 4. Exemptions.—Except as herein provided, such associations shall be governed by this act and shall be exempt from all provisions of the insurance laws of this State, not only in governmental relations with the State, but for every other purpose, and no law hereafter passed shall apply to them, unless they be expressly designated therein.

Sec. 5. Benefits.—Every association transacting business under this act shall provide for the payment of death benefits and may provide for the payment of benefits in case of temporary or permanent physical disability, either as the result of disease, accident or old age; provided, the period of life at which the

payment of benefits for disability on account of old age shall commence shall not be under seventy years. And may provide for the erection and payment of monuments at the graves of their deceased members.

Sec. 6. The payment of death benefits shall be confined to wife, husband, relatives by blood to the fourth degree ascending or descending, stepfather, stepmother, stepchildren, children by legal adoption, or to a person or persons dependent upon the member; provided, that if after the issuance of the original certificate the member shall become dependent upon the charity of an individual or of an institution, he shall have the privilege, with the consent of the association, to make such individual or institution his beneficiary. Within the above restrictions each member shall have the right to designate his beneficiary and from time to time have the same changed in accordance with the laws, rules or regulations of the association, and no beneficiary shall have or obtain any vested interest in the said benefit until the same has become due and payable upon the death of said member; provided, that any association may, by its laws, limit the scope of beneficiaries within the above classes.

Sec. 7. Qualifications for Membership.—Any association may admit to beneficial membership any person over sixteen and under sixty years of age, who has been examined by a competent physician and whose examination has been supervised and approved in accordance with the laws of the association; provided, that any beneficiary member of such association who shall apply for a certificate providing for disability benefits need not be required to pass an additional medical examination therefor. Nothing herein contained shall prevent such association from accepting general or social members.

Sec. 8. Certificate.—Every certificate issued by any association shall specify the maximum amount of benefit provided thereby, and the conditions governing the payment thereof, and shall provide that the certificate, the charter or articles of association, the constitution and laws of the association, and the application for membership and medical examination, signed by the applicant, shall constitute the contract between the association and the member, and copies of the same, certified by the secretary of the association or corresponding officer, shall be received in evidence of the terms and conditions of the con-

tract, and any changes, additions or amendments to said charter of articles of association, constitution or laws, duly made or enacted subsequent to the issuance of the benefit certificate, shall bind the member and his beneficiaries, and shall govern and control the contract in all respects the same as though such changes, additions or amendments had been made prior to and were in force at the time of the application for membership.

Sec. 9. Funds.—Any association may create, maintain, disburse and apply a reserve, emergency or surplus fund in accordance with its constitution and laws, not inconsistent with the provisions of this act. Unless otherwise provided in the contract, any such funds shall be held, invested and disbursed for the use and benefit of the association, and no member or beneficiary shall have or acquire any individual rights therein, or be entitled to an apportionment or the surrender of any part thereof. The funds from which benefits shall be paid and the funds from which the expenses of the association shall be defrayed shall be derived from periodical or other payments by the members of the association and accretions of said funds, and every contract hereafter made between such association and its members shall provide that if such regular payments are insufficient to pay all matured death and disability claims in full, and to provide for the creation and maintenance of the funds required by its constitution, and laws, extra assessments may be levied upon the members to meet such deficiency.

Sec. 10. Investment of Funds.—Any such association may invest its funds in real estate for office purposes, and may hold or sell and convey any real estate acquired by foreclosure or received in satisfaction of loans. It may also invest its funds in government, State, provincial, county or municipal bonds, or bonds of any township, park or school district having taxing powers; provided, such bonds shall be a direct obligation on all the taxable property within such municipality or district, or irrigation, paving or drainage district bonds, provided such obligation shall be a direct obligation on all real estate within such district, or first lien on ground rents upon improved real estate not exceeding 50 per cent of the market value thereof.

Sec. 11. Any president or other officer or agent, director or trustee or member of any board or committee having the

control or management of the investment of the moneys and funds of any fraternal beneficiary association who shall invest or assent to the investment of any such funds or any portion thereof in violation of the terms and provisions of the preceding sections of this act shall be deemed guilty of a felony, and shall upon conviction be punished by imprisonment in the State penitentiary for a term of not less than one year, nor more than five years.

Sec. 12. Not later than March 1 of each calendar year after this act shall take effect the officer or officers, board or committee or other body, charged or authorized by the laws or rules or regulations of such associations, with the duty of investing the funds of such association, shall either jointly or severally make, execute and file with the Commissioner of Insurance and Banking a sworn statement that within their knowledge, no part of the money collected by or on behalf of such association for mortuary or disability purposes, and no part of the reserve, emergency or surplus fund nor the net accretions of any of said funds has been used for expenses or for any purpose other than those permitted by this act during the preceding year. Any such officer, director, trustee or member of any such board or committee, or any other person who shall execute and file with the Commissioner of Insurance and Banking, or execute for the purpose of being filed with such Commissioner, any false statement concerning the facts referred to in this section, shall be guilty of a felony, and upon conviction shall be imprisoned in the penitentiary for a period of not less than one year, nor more than five years.

Sec. 13. Distribution of Funds.—Every provision for payment by members of such an association in whatever form made, shall distinctly state the purpose of the same and the proportion thereof which may be used for expenses, and no part of the money collected for mortuary or disability purposes, and no part of the reserve, emergency or surplus funds or the net accretions of either or any of said funds shall be used for expenses. Any officer, agent or other person having in his keeping or possession any money collected for mortuary or disability purposes of any fraternal beneficiary association, or belonging to the reserve emergency or surplus fund of any such association, or representing the net accretions of any or either of said funds who shall use or permit the

use of any moneys or funds for any purposes other than those permitted by this act or who shall in any way violate or assent to the violation of the provisions of this section shall be deemed guilty of a felony, and shall be punished by imprisonment in the penitentiary for a term of not less than one year, nor more than five years.

Sec. 14. Organization.—Seven or more persons, citizens of the United States, and a majority of whom are citizens of this State, who desire to form a fraternal beneficiary association, as defined by this act, may make and sign (giving their addresses) and acknowledge before some officer competent to take acknowledgment of deeds, articles of association in which shall be stated:

1. The proposed corporate name of the association, which shall not so closely resemble the name of any association or insurance company already transacting business in this State as to mislead the public or lead to confusion.

2. The purpose for which it is formed, which shall not include more liberal powers than are granted by this act, provided that any lawful social, intellectual, educational, moral or religious advantages may be set forth among the purposes of the association, and the mode in which its corporate powers are to be exercised.

3. The names, residences and official titles of all the officers, trustees, directors or other persons who are to have and exercise the general control and management of the affairs and funds of the association for the first year or until the ensuing election at which all such officers shall be elected by the supreme, legislative or governing body.

Such articles of association and duly certified copies of the constitution and laws, rules and regulations and copies of all proposed forms of benefit certificates, applications therefor and literature to be issued by such association, and a bond in the sum of \$5000 with a corporate surety bond approved by the Superintendent of Insurance, and authorized to carry on a surety business within the State of Texas; conditioned upon the return of the advance payments, as provided in this section, to applicants, if the organization is not completed within one year, shall be filed with the Superintendent of Insurance, who may require such further information as he deems necessary, and if the purposes of the association conform to the requirements of this act and all pro-

visions of the law have been complied with, the Superintendent of Insurance shall so certify and retain and record the articles of association in a book kept for that purpose and furnish the incorporators a preliminary certificate authorizing said association to solicit members as hereinafter provided.

Upon receipt of said certificate from the Superintendent of Insurance said association may solicit members for the purpose of completing its organization, and shall collect from each applicant the amount of not less than one death benefit assessment or payment, in accordance with its tables of rates as provided by its constitution and laws, and shall issue to each such applicant a receipt for the amount so collected; but no such association shall incur any liability other than for such advanced payments, nor issue any benefit certificate nor pay or allow, or offer or promise to pay or allow to any person any death or disability benefit until actual bona fide applications for death benefit certificates have been secured upon at least 500 lives for at least \$1000 each, and all such applicants for death benefits shall have been regularly examined by legally qualified practicing physicians and certificates of such examinations have been duly filed and approved by the chief medical examiner of such association, nor until there shall be established ten subordinate lodges or branches into which said 500 applicants have been initiated, nor until there has been submitted to the Superintendent of Insurance, under oath of the president and secretary or corresponding officers of such association a list of such applicants, giving their names, addresses, date examined, date approved, date initiated, name and number of the subordinate branch of which each applicant is a member, amount of benefits to be granted, rate of regular payments or assessments, nor until it shall be shown to the Superintendent of Insurance by the sworn statement of the treasurer or corresponding officer of such association that at least 500 applicants have each paid in cash at least one regular monthly payment or assessment as herein provided per \$1000 of indemnity to be effected, which payments shall amount to one assessment to aggregate not less than \$500, all of which shall be credited to the mortuary or disability fund on account of such applicants, and no part of which may be used for expenses.

Said advanced payments shall during the period of organization be held in

trust for, and, if the organization is not completed within one year as hereinafter provided, returned to said applicants. Such association shall provide in its constitution or laws that no benefit in excess of \$1000 shall be payable by it until it shall have 1000 bona fide paying benefit members, and no such association shall be authorized to issue any benefit certificate for more than said sum until it has secured such members.

The Superintendent of Insurance may make such examination and require such further information as he deems advisable and upon presentation of satisfactory evidence that the association has complied with all the provisions of law he shall issue to such association a certificate to that effect. Such certificate shall be prima facie evidence of the existence of such association at the date of such certificate. The Superintendent of Insurance shall cause a record of such certificate to be made and a certified copy of such record may be given in evidence with like effect as the original certificate.

No preliminary certificate granted under the provisions of this Section shall be valid after one year from its date, or after such further period, not exceeding one year, as may be authorized by the Superintendent of Insurance, upon cause shown, unless the 500 applicants herein required have been secured and the organization has been completed as herein provided, and the articles of association and all proceedings thereunder shall become null and void in one year from the date of said preliminary certificate, or at the expiration of said extended period, unless such association shall have completed its organization and commenced business as herein provided. When any domestic association shall have discontinued business for the period of one year its charter shall become null and void.

Sec. 15. Powers Retained—Reincorporation—Amendments.—Any association now engaged in transacting business in this State may exercise, after the passage of this act, all the rights conferred thereby, and all of the rights, powers and privileges now exercised or possessed by it under its charter or articles of association not inconsistent with this act, or it may be reincorporated hereunder. But no association already organized shall be required to reincorporate hereunder, nor shall it be required to adopt the provisions prescribed herein for new associations, in order to avail itself of the privileges

of this act, and any such association may amend its articles of association from time to time in the manner provided therein, or in its constitution or laws, and all such amendments shall be filed with the Superintendent of Insurance, and shall become operative upon such filing unless a later time be provided in such amendments, or in its articles of association, constitution or laws.

Sec. 16. Transfer of Membership.—No domestic association shall transfer its membership or funds to any association not authorized by the Superintendent of Insurance to transact business in this State, nor shall any such association transfer its membership or funds to any licensed association, unless the said contract of transfer has been approved by a two-thirds vote of the members of the supreme body of the association whose membership is proposed to be transferred, and by a two-thirds vote of the trustees or board having charge of the association proposing to take such membership.

Sec. 17. Annual License.—Associations which are now authorized to transact business in this State may continue such business until the first day of March next succeeding the passage of this act, and the authority of such associations may thereafter be renewed annually, upon compliance with this act, but in all cases to terminate on the last day of the succeeding February.

For each such license or renewal, the association shall pay the Commissioner of Insurance and Banking \$10. A duly certified copy of such license shall be prima facie evidence that the licensee is a fraternal beneficiary association within the meaning of this act.

Sec. 18. Admission of Foreign Associations.—No foreign association now transacting business, organized prior to the passage of this act, which is not now authorized to transact business in this State, shall transact any business therein without a license from the Commissioner of Insurance and Banking. Any such association shall be entitled to a license to transact business within this State upon filing with the Commissioner of Insurance and Banking a duly certified copy of its charter or articles of association, a copy of its constitution or laws, certified by its secretary or corresponding officer, a power of attorney to the Commissioner of Insurance and Banking as hereinafter provided; a statement under oath of its president and secretary or corresponding officer,

in the form required by the Commissioner of Insurance and Banking, duly verified by an examination made by the supervision insurance official of its home State of its business for the preceding year; a certificate from the proper official in its home State, province or country, that the association is legally organized, a copy of its contract, which must show that benefits are provided for by assessments upon, or other payments, by persons holding similar contracts, and upon furnishing the Commissioner of Insurance and Banking such other information as he may deem necessary to a proper exhibit of its business and plan of working, and upon showing that its assets are invested in accordance with the laws of the State, Territory, district, province or country where it is organized, he shall issue a license to such association to do business in this State until the last day of the succeeding February, and such license shall, upon compliance with the provisions of this act, be renewed annually, but in all cases to terminate on the last day of the succeeding February. Any foreign association hereafter organized desiring admission to this State, in addition to the foregoing requirements of this section, shall have the further qualifications required of domestic associations organized under this act and have its assets invested as required by the laws of this State. For each such license or renewal the association shall pay the Commissioner of Insurance and Banking \$10. When the Commissioner of Insurance and Banking refuses to license any association, or revokes its authority to do business in this State, he shall reduce his ruling, order or decision to writing and file the same in his office, and shall furnish a copy thereof, together with a statement of his reasons, to the officers of the association, upon request, and the action of the Commissioner of Insurance and Banking shall be reviewable by proper proceedings in any court of competent jurisdiction within this State; provided, however, that nothing contained in this or the preceding section shall be taken or construed as preventing any such association from continuing in good faith all contracts made in this State during the time such association was legally authorized to transact business therein.

Sec. 19. Power of Attorney and Service of Process.—Every association, domestic or foreign, now transacting business in this State shall, within thirty days after

the passage of this act, and every such association hereafter applying for admission, shall, before being licensed, appoint in writing the Commissioner of Insurance and Banking and his successors in office to be its true and lawful attorney upon whom all legal process in any action or proceeding against it shall be served, and in such writing shall agree that any lawful process against it, which is served upon such attorney shall be of the same legal force and validity as if served upon the association, and that the authority shall continue in force so long as any liability remains outstanding in this State.

Copies of such appointment certified by said Commissioner of Insurance and Banking shall be deemed sufficient evidence thereof and shall be admitted in evidence with the same force and effect as the original thereof might be admitted. Service may only be made upon such attorney, must be made in duplicate and shall be deemed sufficient service upon such association; provided, however, that no such service shall be valid or binding against any such association when it is required thereunder to file its answer, pleading or defense in less than thirty days after the date of such service. When legal process against any such association is served upon said Commissioner of Insurance and Banking, he shall forthwith forward by registered mail one of the duplicate copies, prepaid and directed to its secretary or corresponding officer. The plaintiff in such process so served shall pay to the Commissioner of Insurance and Banking for the use of the State at the time of such service a fee of \$2.00, which shall be recovered by him as part of the taxable costs, if he prevails in the suit.

Sec. 20. Place of Meeting—Location of Office.—Any domestic association may provide that the meetings of its legislative or governing body may be held in any State, district, province or territory wherein such association has subordinate branches, and all business transacted at such meetings shall be as valid in all respects as if such meetings were held in this State. But its principal office shall be located in this State.

Sec. 21. No Personal Liability.—Officers and members of the supreme, grand or any subordinate body of any such incorporated association shall not be individually liable for the payment of any disability or death benefit provided for in the laws and contract of such associations, but the same shall be

payable only out of funds of such association and in the manner provided by its laws.

Sec. 22. Waiver of the Provisions of the Laws.—No subordinate body nor any of its officers or members shall have the power or authority to waive any of the provisions of the laws and constitution of the association, and the same shall be binding on the association and each and every member thereof and their beneficiaries.

Sec. 23. Separate Jurisdiction Provisions.—All grand lodges by whatever name known, whether incorporated or not, holding charters from a supreme governing body, which are conducting business in this State upon the passage of this act as a fraternal beneficiary association, upon what is known as the separate jurisdiction plan, shall be treated as single State organizations, and all reports required by the provisions of this act shall be made and furnished by the officers of such supreme State governing body and shall embrace and contain the transactions, liabilities and assets of such State organization.

Sec. 24. Constitution and Laws—Amendments.—Every association transacting business under this act shall file with the Commissioner of Insurance and Banking a duly certified copy of all amendments of, or additions to, its constitution and laws within ninety days after the enactment of the same. Printed copies of the constitution and laws and of additions or amendments thereto, certified by the secretary or corresponding officer of the association, shall be prima facie evidence of the legal adoption thereof.

Sec. 25. Annual Reports.—Every association transacting business in this State shall annually on or before the first day of March file with the Commissioner of Insurance and Banking a statement under oath of its president and secretary or corresponding officer of its condition and standing at the close of business on the 31st day of December next preceding, and of its transactions for the year ending on that date, in accordance with the following form:

Sec. 26. Any fraternal association shall be deemed and held to be insolvent whenever the amount of its liabilities for death claims already incurred, including the present value of such liabilities and payment installments at future dates, computed upon an interest rate of 6 per cent per annum added to its other liabilities, which are due and

payable, shall exceed the actual value of its assets. If any such death claim shall be, according to the terms of the contract upon which it is based, in any event payable in periodical installments for the life of the beneficiary or beneficiaries, the present rate thereof shall be computed at the rate of 6 per cent per annum for the expectancy of such life or lives.

Sec. 27. Examination of Domestic Associations.—The Commissioner of Insurance and Banking, or any person he may appoint, shall have the power of visitation and examination into the affairs of any domestic association. He may employ assistants for the purpose of such examination, and he, or any person he may appoint, shall have free access to all the books, papers and documents that relate to the business of the association, and may summon and qualify as witness under oath and examine its officers, agents and employes or other persons in relation to the affairs, transactions and condition of the association. The expenses of such examination shall be paid by the association examined upon a sworn itemized statement thereof being presented by the Commissioner of Insurance and Banking, or his authorized representative, a copy of which statement shall be filed in the office of said commissioner.

Whenever, after examination or from other information, the Commissioner of Insurance and Banking is satisfied that any domestic association is insolvent, as insolvency is herein defined, or has failed to comply with any provisions of this law, or is exceeding its powers, or is not carrying out its contract in good faith, or is transacting business fraudulently, or whenever any domestic association, after the existence of one year or more, shall have a membership of less than five hundred, or votes to discontinue business, the Commissioner of Insurance and Banking may present the facts relating thereto to the Attorney General, who shall, if he deem the circumstances warrant, commence an action in quo warranto, in a court of competent jurisdiction, and such court shall thereupon notify the officers of such association of a hearing, and unless it shall then appear that some special and good reason exists why such association should not be closed, said association shall be enjoined from carrying on any further business, and some person shall be appointed receiver of such association and shall proceed at once to take possession of the books, papers, moneys and other

assets of the association and shall forthwith, under the direction of the court, proceed to close the affairs of the association and to distribute its fund to those entitled thereto. No such proceeding shall be commenced by the Attorney General against any such association until after notice has been duly served on the chief executive officer of the association and a reasonable opportunity given to it, on a date to be named in said notice (which shall not be less than thirty days after service of notice) to show cause why such proceedings should not be commenced.

Sec. 28. Application for Receiver, Etc.—No application for injunction or other proceedings for the dissolution of, or the appointment of a receiver for, any such domestic association or branch thereof shall be entertained by any court in this State unless the same is made by the Attorney General.

Sec. 29. Examination of Foreign Associations.—The Commissioner of Insurance and Banking, or any person whom he may appoint, may examine any foreign association transacting or applying for admission to transact business in this State. The Commissioner may employ assistants for the purpose of such examination and he, or any person he may appoint, shall have free access to all the books, papers and documents that relate to the business of the association, and may summon and qualify as witnesses under oath and examine its officers, agents, employees and other persons in relation to the affairs, transactions and conditions of the association. He may, in his discretion accept in lieu of such examination the examination of the Insurance Department of the State, territory, district, province or country where such association is organized. The expenses of such examination shall be paid by the association examined, upon a sworn itemized statement thereof being presented by the Commissioner of Insurance and Banking or his authorized representative, a copy of which statement shall be filed in the office of said Commissioner.

If any such association or its officers refuse to submit to such examination, or to comply with the provisions of this Section, relating thereto, the authority of such association to transact business in this State shall be revoked until satisfactory evidence is furnished the Commissioner of Insurance and Banking relating to the condition and affairs of the association and during such revocation the association shall not trans-

act any business in this State. Provided, that no such revocation shall be made until 30 days' written notice shall be given to such association at its home office.

Sec. 30. Revocation of License.—When the Commissioner on investigation is satisfied that any foreign association transacting business under this act is insolvent, or has exceeded its powers, or has failed to comply with any provision of this law, or is conducting business fraudulently, or is not carrying out its contracts in good faith, he shall notify the president and secretary or other officer corresponding thereto, of his findings and state in writing the grounds of his dissatisfaction, and after not less than 30 days' notice require said association, on a date named, to show cause why its license should not be revoked. If on the date named in said notice such objections have been removed to the satisfaction of the Commissioner of Insurance and Banking, or the association does not present good and sufficient reasons why its authority to transact business in this State should not at that time be revoked, he may revoke the authority of the association to continue business in this State. All decisions and findings of the Commissioner of Insurance and Banking made under the provisions of this section may be reviewed by proper proceedings in any court of competent jurisdiction, as provided in Section 27 of this act.

Sec. 31. No Adverse Publication.—Pending, during or after an examination or investigation of any such association, either domestic or foreign, the Superintendent of Insurance shall make public no statement, report or finding, nor shall he permit to become public any statement, report or finding affecting the status, standing or rights of any such association until a copy thereof shall have been served upon the president or secretary or corresponding officer of such association, nor until such association shall have been afforded a reasonable opportunity to answer any such statement, report or finding, and to make such showing in connection therewith as it may desire. If such statement, report or finding shall not be withdrawn after such hearing, it shall not thereafter be made public, except in connection with the answer or explanation of the association concerned.

Sec. 32. Exemption of Certain Associations.—Nothing contained in this act shall be construed to affect or apply to grand or subordinate lodges of Masons,

Odd Fellows or Knights of Pythias (exclusive of the insurance department of the Supreme Lodge, Knights of Pythias), nor the Junior Order of United American Mechanics (exclusive of the beneficiary degree or insurance branch of the National Council, Junior Order United American Mechanics), nor to societies which limit their membership to a particular vocation, nor to similar associations which do not issue insurance certificates, nor to an association of local lodges of an association doing business in this State which provide death benefits not exceeding \$300 to any one person or disability benefits not exceeding \$500 in any one year to any one person, or both, nor to any contract of reinsurance of or between such local lodges of such association doing business on such plan in this State, nor to domestic associations which limit their membership to the employes of a particular city or town, designated firm, business house or corporation, nor to domestic lodges, orders or associations of a purely religious, charitable and benevolent description, which do not provide for a death benefit of more than \$100 or for disability benefits of more than \$150 to any one person in any one year; provided, always, that any such domestic order or association which has more than 500 members and provides for death or disability benefits and any such domestic lodge, order or association which issues to any person a certificate providing for the payment of benefits, shall not be exempt by the provisions of this Section, but shall comply with all the requirements of this act. The Superintendent of Insurance may require from any association such information as will enable him to determine whether such association is exempt from the provisions of this act.

Sec. 33. Taxation.—Every fraternal benefit association organized or licensed under this act is hereby declared to be a charitable and benevolent institution, and all of its funds shall be exempt from all and every State, county, district and municipal tax other than taxes on real estate and office equipment.

Sec. 34. All associations, domestic or foreign, now doing business in this State, and having less than 500 bona fide paying benefit members and less than \$500,000 insurance in force upon their lives shall, within twelve months from the passage hereof, secure at least 500 such members, upon whose lives said amount of insurance shall be in force, or failing therein, it shall be the duty

of the Commissioner of Insurance and Banking to revoke the license of such association, which shall do no further business in this State until it shall have procured bona fide applications for insurance on said number of lives, upon which one full monthly assessment has been paid in accordance with the constitution and laws of such association.

Sec. 35. Any person who solicits for or organizes lodges of such associations as are described in the first section of this act without first obtaining from the Commissioner of Insurance and Banking a certificate of authority showing that the association has complied with the provisions of this act, and is entitled to do business in this State, shall be deemed guilty of a misdemeanor, and upon conviction shall be punished by a fine of not less than one hundred dollars (\$100) nor more than two hundred and fifty dollars (\$250), or by imprisonment in the county jail for not less than three (3) nor more than six (6) months, or by both such fine and imprisonment; provided, the provisions of this Section shall not be so construed as to prohibit any member or members of a local or subordinate lodge from soliciting any person or persons to become a member of any local or subordinate lodge already in existence, and provided further, the provisions of this Section shall not apply to any member or members of any local or subordinate lodge who participates in, supervises, directs or conducts the organization or establishment of any local or subordinate lodge within the limits of the county or his or their residence or lodge district. Any society or any officer, agent or employe thereof, neglecting or refusing to comply with, or violating any of the provisions of this act, the penalty for which neglect, refusal or violation is not specified in this Section, shall be fined not exceeding \$200 upon conviction thereof.

Sec. 36. The provisions of this act shall not apply to incorporated or unincorporated mutual relief or benefit or burial associations operating upon the assessment plan, whose business is confined to not more than one county in the State; provided, that such associations are in no manner directly or indirectly connected, federated or associated with any other such association, and do not directly or indirectly contribute to the expenses or support of any other such association, or to the officers, promoters or managers thereof. And provided, that no person or officer

shall receive from said association any payment on account of organization or other expenses or salaries not a bona fide resident of such county in which such association is domiciled.

Sec. 37. Any association doing business under the provisions of this act may issue term payment certificates, payable upon the death of members within the term for which said payments are limited, or limited payment full life certificates payable at death; provided, that the contract with the member shall provide that if such limited or term payments are not sufficient to meet the liabilities of the association for death benefits as same accrue, additional assessments may be made for this purpose.

Sec. 38. The fact that many associations are undertaking to write fraternal benefit insurance within this State without adequate safeguards creates an emergency and an imperative public necessity, requiring the suspension of the constitutional rule requiring the reading of bills on three several days, said rule is hereby suspended and this act takes effect from and after its passage, and it is so enacted.

JOINT SESSION.

Here the Chair announced that the hour, 3 o'clock p. m., had arrived for the Senate to repair to the House, to sit in joint session, on account of the address of Hon. John Fox. The Senate accordingly repaired to that Hall.

IN JOINT SESSION.

At 3 o'clock p. m. the Honorable Senate of Texas was announced at the bar of the House, and accompanied by Sergeant-at-Arms James Hornbuckle, Secretary Clyde D. Smith and Journal Clerk R. M. Gilmore, the Senators advanced into the Hall and occupied seats along the aisle already prepared for them.

Hon. A. B. Davidson, President of the Senate, was invited to a seat on the rostrum on the left of the Speaker.

The Secretary of the Senate was then directed by the President of the Senate to call the roll of the Senate, and the following Senators answered to their names:

Adams, Alexander, Brachfield, Bryan, Cofer, Greer, Harper, Holsey, Hudspeth, Kellie, Masterson, Mayfield, Meachum, Murray, Paulus, Peeler, Real, Senter, Stokes, Sturgeon, Terrell of

Bowie, Terrell of McLennan, Veale, Ward, Watson, Weinert.

Senators present, 26.

Necessary to a quorum, 21.

The President of the Senate announced a quorum of the Senate present.

The Chair then directed the Clerk to call the roll of the House, and the following members answered to their names:

Adams, Anderson, Aston, Baker of Hood, Baker of Panola, Ballengee, Barrett, Bartlett, Bierschwale, Bogard, Bostic, Boswell, Bowles, Bowman, Branch, Briscoe, Brookshire, Brown, Brownlee, Buchanan, Cable, Canales, Cathey, Chaney, Cox, Craven, Crockett of Mitchell, Crockett of Washington, Cureton, Currey, Dalby, Davis, Dotson, Driggers, Elliott, Fitzhugh, Fuller, Gaines, Giesen, German, Gilmore, Goodman, Graham, Hamilton of McCulloch, Harman, Highsmith, Jenkins, Jennings, Johnson, Keeble, Lawson, Leach, Lee, Luce, Maddox, Marshall, Mason, Maxwell, McDonald, McLain, Meeks, Mobley, Moller, Morris, Munson, Nelson of Hopkins, Nelson of Kaufman, Nickels, O'Bryan, O'Bryant, Odom, Perkins, Pharr, Porter, Ralston, Ray, Rayburn, Reedy, Reid, Ridgway, Roach, Robertson of Bell, Schluter, Self, Spradley, Stamps, Standifer, Stead, Stephenson, Stepter, Stratton, Strickland, Terrell of Bexar, Terrell of Cherokee, Trenckmann, Turner, Turney, Vaughan, Wahrmond, Walter, Werner, Wilson, Wortham.

Present, 103, including the Speaker in the chair.

Necessary to a quorum, 89.

The Chair announced a quorum of the House present.

Accompanied by the Committee, Mr. Fox advanced into the Hall, and was conducted to the Speaker's stand, where he was invited to a seat.

Governor Campbell was also invited to a seat on the Speaker's stand. Mr. Fox being introduced by President Davidson of the Senate, then addressed the joint assemblage.

SENATE RETIRES.

On motion of Senator Hudspeth, the Senate retired to its Chamber.

IN THE SENATE.

The Senate, at 4:15 o'clock p. m. returned to its Chamber, Lieutenant Governor Davidson presiding.

SENATE BILL NO. 167.

Action recurred on unfinished business, Senate bill No. 167.

The question on the bill was on the substitute motion by Senator Brachfield that the minority committee report be adopted.

The substitute motion was lost by the following vote:

Yeas—8.

Brachfield.	Veale.
Masterson.	Ward.
Murray.	Watson.
Paulus.	Willacy.

Nays—15.

Adams.	Mayfield.
Alexander.	Peeler.
Bryan.	Stokes.
Cofer.	Sturgeon.
Greer.	Terrell of Bowie.
Harper.	Terrell of McLennan.
Holsey.	Weinert.
Hudspeth.	

Absent.

Hayter.	Real.
Kellie.	Senter.
Meachum.	Thomas.
Perkins.	

Absent—Excused.

Hume.

The majority committee report was then adopted.

Senator Harper offered the following amendment, which was read and adopted:

Amend the bill by adding after the word "returnable," in line 14, page 1, the following: "Provided, that in all cases wherein a dissolution of marriage is sought in which service of citation has been made by publication, the answer shall be filed on or before appearance day of the term next succeeding that to which such citation is returnable."

Bill read second time, and ordered engrossed by the following vote:

Yeas—14.

Alexander.	Peeler.
Bryan.	Stokes.
Greer.	Sturgeon.
Harper.	Terrell of Bowie.
Hudspeth.	Terrell of McLennan.
Kellie.	Ward.
Mayfield.	Watson.

Nays—11.

Adams.	Cofer.
Brachfield.	Holsey.

Masterson.
Murray.
Paulus.
Real.

Thomas.
Veale.
Weinert.

Absent.

Hayter.
Meachum.
Perkins.

Senter.
Willacy.

Absent—Excused.

Hume.

Senator Stokes here moved to reconsider the vote by which the bill was ordered engrossed.

The motion prevailed.

Senator Stokes offered the following amendment, which was read and adopted:

Amend Senate bill No. 167 by adding thereto Section 3, as follows:

"Section 3. The fact that there is now no adequate law to expedite the trial of cases in which service of citation is had by publication upon the defendants in such cases, creates an emergency and imperative public necessity that the constitutional rule requiring bills to be read on three several days be suspended, and that this act take effect and be in force from and after its passage, and it is so enacted."

Senator Stokes offered the following amendment, which was read and adopted:

Amend the caption of Senate bill No. 167 by adding after the word "publication" and insert in lieu thereof the following: "And declaring an emergency."

Senator Cofer offered the following amendment:

Amend by adding at end of Section 1: "Provided no citation by publication shall issue unless affidavit is filed that defendant's residence is unknown."

Pending.

FOURTH HOUSE MESSAGE.

Hall of the House of Representatives,
Austin, Texas, February 26, 1909.

Hon. A. B. Davidson, President of the Senate.

Sir: I am directed by the House to inform the Senate that the House has refused to concur in Senate amendments to House bill No. 186, and request a conference committee be appointed. The following have been appointed by the House:

Messrs. Johnson, Moller, Munson,
Stamps and Brookreson.

Respectfully,

BOB BARKER,

Chief Clerk, House of Representatives.

HOUSE BILL NO. 186—CONFERENCE COMMITTEE ON.

On motion of Senator Masterson, the Senate granted the request of the House for a conference committee on House bill No. 186.

The Chair appointed the following conference committee:

Senators Masterson, Alexander, Hudspeth, Adams and Real.

EXECUTIVE MESSAGE.

Executive Office,
State of Texas.

Austin, Texas, February 26, 1909.

To the Senate:

The advice and consent of the Senate is requested to the appointment of R. H. Harris of Tom Green county, A. S. Gage of Bexar county, Tom F. McClure of Jones county, to be members of the Live Stock Sanitary Commission of Texas.

T. M. CAMPBELL,
Governor.

BILLS SIGNED.

The Chair (Lieutenant Governor Davidson) gave notice of signing, and did sign in the presence of the Senate, after their captions had been read, the following bills:

House bill No. 356, "An Act to amend Section 193 of an act of the Twenty-eighth Legislature of the State of Texas, entitled 'An Act to incorporate the city of Corsicana, in Navarro county, Texas, and to fix the boundaries thereof, and to provide for its government and the management of its affairs,' and amended by Chapter 39 of the Special Laws of the Thirtieth Legislature of the State of Texas, so as to correct certain errors in the field notes describing the saloon limits in said city, defined in said Section 193, and declaring an emergency."

House bill No. 48, "An Act to amend Sections 2, 7, 13, 28 and 29, and to repeal Sections 30, 31 and 32, and to substitute other laws in place of those repealed, and to add a caption to the Shelby county road law, a special act of the Thirtieth Legislature of 1907."

House bill No. 109, "An Act to create a Bureau of Labor Statistics, and to provide for the appointment of a Commissioner of said Bureau, and to fix the duties of the said Commissioner, and to provide for the organization and main-

tenance of the said Bureau, and for the collection and preservation and dissemination of labor statistics in Texas."

House bill No. 239 "An Act to amend Sections 5 and 7 of Chapter 3, Special Laws of the Twenty-ninth Legislature, being a special road law for Cherokee county, and to repeal Chapter 57, Special Laws of the Thirtieth Legislature, and declaring an emergency."

House bill No. 154, "An Act to amend Chapter 30 of the special road laws of Ellis county, Texas, as enacted by the Twenty-ninth Legislature, by adding thereto Section 18; prohibiting the obstruction of public road ditches; providing penalty, and declaring an emergency."

House bill No. 242, "An Act to repeal Chapter 91, page 732 of the Special Laws of the Thirtieth Legislature, entitled 'An Act to require all persons in the county of Camp who are subject to road duty to work ten days on the public roads in said county in each year, or to pay \$1.00 for each day in lieu of working the public roads, that such roads are worked'; also to amend Section 8 of Chapter 100, page 755 of the Special Laws of the Thirtieth Legislature, entitled 'An Act to create a more efficient road system for Camp county, Texas; to make the county commissioners thereof ex-officio road commissioners and prescribe their duties, and providing for their compensation as such; to provide for working county convicts upon the public roads of said county; to provide for the amount of compensation in road hands for team and road work; to provide for condemnation of land for public road purposes; providing for working delinquent poll taxpayers on the public roads and relieving of road hands from the performance of road work by the payment of the sum of \$5.00; and providing for the levy and collection by the commissioners court of said county the regular 15 cents on the \$100 valuation now authorized by law for road and bridge purposes; also for the levy of an additional tax of 15 cents on each \$100 valuation for road purposes, and also for issuing of bonds not to exceed 15 cents on each \$100 valuation in any one year, and sale of such bonds for road purposes; to provide for an election by the qualified voters of said county to determine as to the levy of the extra 15 cents on the \$100 valuation, and also on the question of the issuing of bonds, making this law cumulative of the general laws on this subject, and declaring an emergency,' by

reducing the number of days persons may be compelled to work on the public roads from ten days to five days, and declaring an emergency."

House bill No. 152, "An Act appropriating the sum necessary to refund the unearned portion of the State occupation tax paid upon all liquor dealers' licenses which were unexpired on July 12, 1907, and which were abrogated on that date by the taking effect of Chapter 138 of the General Laws of the Thirtieth Legislature known as the Baskin-McGregor Law, and declaring an emergency."

House bill No. 112, "An Act to amend an act of the Thirtieth Legislature passed at its Regular Session, being Chapter 98 of its Acts, and entitled 'An Act to amend Section 6 of Chapter 102 of the Acts of the Regular Session of the Twenty-sixth Legislature, entitled 'An Act to promote agriculture and stock raising, and to prohibit the hunting with firearms or dogs upon the enclosed or posted lands of another in all counties within this State not specially named as exempt from the provisions of this act,' as amended by the Twenty-sixth Legislature, and as amended by Chapter 71a, General Laws of the Twenty-ninth Legislature, to provide penalties and with an emergency clause,' relating to agriculture and stock raising, so as to place McCulloch and San Saba counties under the operation of such law."

House bill No. 221, "An Act to promote the safety of travelers and employes by compelling common carriers engaged in commerce by railroads within the State of Texas to equip their locomotives, tenders, cars and similar vehicles used in moving intrastate traffic within said State with certain safety devices and appliances, and providing penalties for violations of this act, and providing further, that employes of such carriers continuing in the service with notice or knowledge of such violations shall not be held to have assumed the risk of injuries resulting from the same, and declaring an emergency."

Senate bill No. 237, "An Act to amend Section 26 of Article 22 of Title 4 of the Revised Civil Statutes of Texas, and to change and prescribe the time for holding district court in the Twenty-sixth Judicial District of the State of Texas, and to define the jurisdiction thereof, and to provide for the venue and transfer of causes in the Twenty-sixth and Fifty-third district courts, and to provide for a clerk of the dis-

trict court of the Twenty-sixth and Fifty-third Judicial Districts in and for Travis county, and to conform all writs, process, bonds, recognizances and drawing of petit and grand juries of such courts to the change made, and providing for the drawing of grand juries in the Twenty-sixth and Fifty-third Judicial Districts, and to repeal all laws in conflict herewith, and declaring an emergency."

ADJOURNMENT.

On motion of Senator Adams, the Senate, at 5:30 o'clock, adjourned until Monday morning at 10 o'clock.

APPENDIX.

COMMITTEE REPORTS.

(Minority Report.)

Committee Room,
Austin, Texas, February 26, 1909.

Hon. A. B. Davidson, President of the Senate.

Sir: We, a minority of your Judiciary Committee No. 2, to whom was referred

House bill No. 90, A bill to be entitled "An Act to prohibit the buying and selling of pools or receiving or making bets on horse racing; to prohibit the leasing of premises for pool rooms, and to provide a penalty for its violation, and to repeal the act approved May 2, 1905, and published and known as Chapter 165 of the General Laws of the Regular Session of the Twenty-ninth Legislature, entitled 'An Act to amend Sections 1, 2 and 3, and adding thereto Sections 4 and 5 of Chapter 1 of the General Laws of Texas passed at the Regular Session of the Twenty-eighth Legislature, entitled "An Act to prohibit the buying and selling of pools or receiving or making bets on horse racing," to prohibit leasing premises for pool rooms and to provide a penalty for its violation; prohibiting horse racing and betting on horse racing on Sunday, and providing that a conviction may be had upon the unsupported evidence of an accomplice or participant, and exempting such witness from prosecution, and declaring an emergency,"

Have had the same under consideration, and beg leave to report it back to the Senate with the recommendation that it do pass.

Hayter, Alexander, Sturgeon, Stokes, Cofer.

(Majority Report.)

Committee Room.

Austin, Texas, February 26, 1909.

Hon. A. B. Davidson, President of the Senate.

Sir: Your Judiciary Committee No. 2, to whom was referred

House bill No. 90, A bill to be entitled "An Act to prohibit the buying and selling of pools or receiving or making bets on horse racing; to prohibit the leasing of premises for pool rooms and to provide a penalty for its violation, and to repeal the act approved May 2, 1905, and published and known as Chapter 165 of the General Laws of the Regular Session of the Twenty-ninth Legislature, entitled 'An Act to amend Sections 1, 2 and 3, and adding thereto Sections 4 and 5 of Chapter 1 of the General Laws of Texas passed at the Regular Session of the Twenty-eighth Legislature, entitled 'An Act to prohibit the buying and selling of pools or receiving or making bets on horse racing,' to prohibit leasing premises for pool rooms, and to provide a penalty for its violation; prohibiting horse racing and betting on horse racing on Sunday, and providing that a conviction may be had upon the unsupported evidence of an accomplice or participant, and exempting such witness from prosecution, and declaring an emergency,"

Have had the same under consideration, and I am instructed to report it back to the Senate with the recommendation that it do not pass, but that the following substitute do pass in lieu thereof:

Strike out all below the caption, and insert the following:

Be it enacted by the Legislature of the State of Texas:

Section 1. If any person shall engage or assist in pool making, book making, by hand book or any other method, or in receiving or transmitting any bet, or offer to bet, for or from any other person, on any horse race, whether such race is conducted or is to be conducted in this or any other State, he shall be punished by a fine of not less than two hundred nor more than five hundred dollars, and imprisonment in the county jail for not less than sixty days, and not more than six months.

Sec. 2. If any person shall buy pools or make wager or offer to buy pools, or make wager with or through any one selling pools, or making books, on any horse race, whether such race is con-

ducted or to be conducted in this or any other State, he shall be punished by a fine of not less than fifty nor more than two hundred dollars.

Sec. 3. If any owner or lessee of any property in this State shall use or permit same to be used as a place for the sale of pools, book making or wagering on any horse race conducted or to be conducted in this or any other State, or for receiving, transmitting or accepting bets or offers to bet, or buy or sell pools thereon, he shall be punished by a fine of not less than two hundred nor more than five hundred dollars, and imprisonment in the county jail for not less than thirty nor more than ninety days, and each and every day any provision of this act is violated shall constitute a separate offense.

Sec. 4. If any owner or lessee or bailee of any horse shall engage in horse racing on Sunday, he shall be fined in any sum not less than one hundred dollars, nor more than five hundred dollars, and each race shall constitute a separate offense.

Sec. 5. Any court or tribunal having jurisdiction of the offenses enumerated in the preceding sections may subpoena persons and compel their attendance as witnesses to testify as to the violation of any of the provisions of the foregoing sections. Any persons so summoned and examined shall not be liable to prosecution for any violation of said section about which he may testify or for any offense enumerated in the foregoing sections. A conviction may be had upon the unsupported evidence of an accomplice or participant.

Sec. 6. The provisions of Sections 1, 2 and 3 of this act shall have no application, to and shall not be construed as prohibiting the use by regularly organized and duly chartered fair associations operated for the exhibition and development of agriculture, mechanical or live stock interests in the State of Texas, of the Pari-Mutuel machine system of wagering on horse races, provided such Pari Mutuel machines are used on the day and within the enclosure where said agriculture, mechanical or live stock exhibitions are held, and races are run; and provided the period of racing shall not exceed fifteen days, exclusive of Sundays, for any association in any calendar year; and provided that there shall not be more than two periods of racing within sixty days of each other by any different associations in any county in this State.

Sec. 7. A State Racing Commission,

consisting of the Commissioner of Agriculture of Texas and a member of the Texas Harness Horse Breeders' Association, and a member of the Texas Thoroughbred Association, the latter two to be appointed by the Governor of the State, is hereby created. Said Commission shall have the power to prescribe the dates on which fair associations, as mentioned in this act, may have racing in connection with its fair. An association desiring to hold a race meeting in connection with its fair shall apply in writing to said Commission for a license to do so. Said applicant shall state the dates on which it is desired to race, and shall be made to the Commission at least sixty days before the dates applied for. If in the discretion of the Commission a proper case for issuance of a license is shown, the Commission shall issue license therefor. If any application is in conflict with dates assigned or applied for or not in the judgment of said Commission conducive to the interests of legitimate racing, the Commission may refuse to grant a license, in which event the reason therefor shall be given in writing, and it shall then be unlawful for such association to hold a race meeting upon such dates, or without a license, and should any association hold a meeting without license from the Commission, such race meeting is hereby declared to be a public nuisance, and every person acting or aiding therein shall be deemed guilty of a misdemeanor, and shall be punished by a fine of not less than five hundred dollars, nor more than one thousand dollars, for each day of said racing, and in addition thereto such threatened or proposed meeting may be enjoined by any court having jurisdiction at the instance of said State Racing Commission. It is provided, however, that any fair association holding a race meeting, of not less than five days, and not oftener than once in each year, shall not be required to have a license therefor. The Secretary of Agriculture shall be the secretary of the Commission, and shall issue the license when all of said Commissioners shall agree thereto. An application for license shall be addressed to the secretary of the Commission at Austin, Texas. In the event there should be no Commissioner of Agriculture of the State of Texas, then the Secretary of State of the State of Texas shall act as herein provided for said Commissioner of Agriculture. The secretary of the Commission shall receive a fee from the association to which license is granted as follows: Of five dollars for

a meeting of six days or less; of ten dollars for a meeting of over six days, and not more than twelve days; and of fifteen dollars for a meeting of over twelve days. In the event of absence from the State of either Commissioner, or in the event of a failure to act from any cause, on the part of either Commissioner, any two may act, and cause license to be issued to a proper applicant.

Sec. 8. All laws or parts of laws in conflict herewith be and they are hereby repealed.

HARPER, Chairman.

(Majority Report.)

Committee Room,

Austin, Texas, February 26, 1909.

Hon. A. B. Davidson, President of the Senate.

Sir: Your Judiciary Committee No. 2, to whom was referred

Senate bill No. 243, A bill to be entitled "An Act to prohibit the buying or selling of pools, or receiving or making bets or offers to bet on horse races, except through the use of Pari-Mutuel machine system conducted by regularly chartered fair associations; to prohibit horse racing on Sunday; to prohibit the use or lease of premises for pool rooms, or for receiving or transmitting bets on horse racing; to provide penalties for its violation; to regulate the dates upon which races may be given, and to establish a State Racing Commission and prescribing its powers and duties, and to repeal all laws in conflict herewith,"

Have had the same under consideration, and I am instructed to report it back to the Senate with the recommendation that it do pass.

HARPER, Chairman.

(Minority Report.)

Committee Room,

Austin, Texas, February 26, 1909.

Hon. A. B. Davidson, President of the Senate.

Sir: We, a minority of your Judiciary Committee No. 2, to whom was referred

Senate bill No. 243, A bill to be entitled "An Act to prohibit the buying or selling of pools, or receiving or making bets or offers to bet on horse races, except through the use of the Pari-Mutuel machine system conducted by regularly chartered fair associations; to prohibit horse racing on Sunday, to prohibit the use or lease of premises for pool rooms, or for receiving or transmitting bets on horse racing; to provide pen-

alties for its violation; to regulate the dates upon which races may be given, and to establish a State Racing Commission and prescribing its powers and duties, and to repeal all laws in conflict herewith."

Have had the same under consideration, and beg leave to report it back to the Senate with the recommendation that it do not pass.

HARPER,
STOKES,
ALEXANDER,
STURGEON,
COFER.

Committee Room,
Austin, Texas, February 26, 1909.

Hon. A. B. Davidson, President of the Senate.

Sir: Your Judiciary Committee No. 2, to whom was referred

Senate bill No. 84, A bill to be entitled "An Act to amend Sections 4, 8, 10, 11, Chapter 137 of an act passed by the Regular Session of the Thirtieth Legislature of Texas, 'An Act changing the official title of the State Fish and Oyster Commissioner to Game, Fish and Oyster Commissioner; providing for his salary and fixing his additional powers and duties; providing for a hunting license for non-resident hunters; providing that funds received for the sale of hunting licenses and fines received from prosecutions for a violation of the game and bird laws, shall be used for the protection and propagation of birds and game, and all salaries and expenses provided by this act, and providing for the enforcement of the game and bird laws of this State, and providing penalties for the violation thereof; providing for resident hunting licenses for resident hunters in the State of Texas; providing that funds received from the sale of hunting licenses be used for the purpose of protecting and propagating game and birds and the salaries and expenses of the Game Commissioner and his deputies; providing for an additional license allowing the privilege of the Game Commissioner to issue permits to persons desiring to ship domesticated deer or any pet fowl or bird for breeding or exhibition; requiring the exhibit of the head of a deer as an evidence of sex; authorizing county clerks to issue licenses; repealing all laws and parts of laws in conflict herewith, and declaring an emergency,"

Have had the same under consideration, and I am instructed to report it

back to the Senate with the recommendation that it do pass.

HARPER, Chairman.

Committee Room,
Austin, Texas, February 26, 1909.

Hon. A. B. Davidson, President of the Senate.

Sir: Your Judiciary Committee No. 2, to whom was referred

Senate bill No. 101, A bill to be entitled "An Act to amend Section 9, Chapter 144 of an act passed by the Thirtieth Legislature, at its Regular Session, 'An Act to preserve and protect the wild game, wild birds and wild fowls of the State; provide adequate penalties for the violation of this act, and unlawful taking, slaughter, sale, purchase or shipment thereof, and to repeal all laws and parts of laws in conflict herewith; reducing the number of deer killed in a season; prohibiting night shooting; changing the open season on doves, and declaring an emergency,'"

Have had the same under consideration, and I am instructed to report it back to the Senate with the recommendation that it do pass.

HARPER, Chairman.

Committee Room,
Austin, Texas, February 26, 1909.

Hon. A. B. Davidson, President of the Senate.

Sir: Your Judiciary Committee No. 2, to whom was referred

Senate bill No. 96, A bill to be entitled "An Act to amend Section 9, Chapter 144 of an act passed by the Regular Session of the Thirtieth Legislature of the State of Texas, 'An Act to preserve and protect the wild game, wild birds and wild fowl of the State; to provide adequate penalties for the violation of this act, and the unlawful taking, slaughter, sale, purchase or shipment thereof, and to repeal all laws or parts of laws in conflict herewith, and declaring an emergency,'"

Have had the same under consideration, and I am instructed to report it back to the Senate with the recommendation that it do pass.

HARPER, Chairman.

Committee Room,
Austin, Texas, February 26, 1909.

Hon. A. B. Davidson, President of the Senate.

Sir: Your Judiciary Committee No. 2, to whom was referred

Senate bill No. 232, A bill to be entitled "An Act prohibiting ginnings or other

persons from knowingly mixing dirt, sand, rocks, nails, motes or other foreign matter with cotton seed, and providing a penalty therefor."

Have had the same under consideration, and I am instructed to report it back to the Senate with the recommendation that it do pass.

HARPER, Chairman.

Committee Room,
Austin, Texas, February 26, 1909.

Hon. A. B. Davidson, President of the Senate.

Sir: Your Judiciary Committee No. 2, to whom was referred

Senate bill No. 209, A bill to be entitled "An Act to amend Section 5, Chapter 131 of the Acts of the Regular Session of the Thirtieth Legislature, approved April 18, 1907, and entitled 'An Act to amend Sections 1, 4, 5, 6 and 11 of Chapter 108, Acts of the Twenty-ninth Legislature, being an act entitled "An Act regulating the sale of concentrated commercial feeding stuffs and the materials from which they are manufactured; defining concentrated feeding stuffs, prohibiting their adulteration, providing for their correct weighing and marking, and providing for the collection of samples; the expenses of the enforcement of the law, and fixing penalties for its violation," and to add thereto Section 11a, empowering the Director of the Experiment Station to adopt standards and definitions for concentrated feeding stuffs, and to refuse the registration of feeding stuffs under certain circumstances, and to cancel registration under certain circumstances after notice, and to empower said director to adopt rules and regulations for the enforcement of all of the provisions of the act,'" "

Have had the same under consideration, and I am instructed to report it back to the Senate with the recommendation that it do pass.

HARPER, Chairman.

Committee Room,
Austin, Texas, February 26, 1909.

Hon. A. B. Davidson, President of the Senate.

Sir: Your Judiciary Committee No. 2, to whom was referred

Senate bill No. 277, A bill to be entitled "An Act to amend Senate bill No. 35, an act of the Thirty-first Legislature, and approved by the Governor on the 20th day of February, A. D. 1909, to read as follows: To exempt the counties of Val Verde, Medina, Terrell, Jeff Davis, Jack-

son, Hidalgo, Bandera, Van Zandt, Mitchell, Ward, Rains, Erath, Crosby, Kaufman and Bexar from the provisions and operations of Article 5002 to 5042 inclusive of Chapter 6, Title 102 of the Revised Civil Statutes of 1895, amended by the acts of the Twenty-eighth and Twenty-ninth Legislatures, relating to the inspection of hides and animals, and repealing all laws in conflict therewith, and declaring an emergency,"

Have had the same under consideration, and I am instructed to report it back to the Senate with the recommendation that it do pass.

HARPER, Chairman.

(Floor Report.)

Austin, Texas, February 26, 1909.

Hon. A. B. Davidson, President of the Senate.

Sir: Your Committee on State Asylums, to whom was referred

Senate bill No. 83, A bill to be entitled "An Act to provide for the purchase of a site for, and for the establishment and construction of an asylum in South Texas for the care, treatment and support of negro insane persons, and to make an appropriation therefor, and declaring an emergency,"

Have had the same under consideration, and beg leave to report it back to the Senate with the recommendation that it do pass.

Bryan, Murray, Real, Peeler, Greer.

Committee Room,
Austin, Texas, February 25, 1909.

Hon. A. B. Davidson, President of the Senate.

Sir: Your Committee on Insurance, Statistics and History, to whom was referred

Senate bill No. 190, A bill to be entitled "An Act to amend Section 16 of Chapter 115 of the General Laws of the Twenty-sixth Legislature, as amended by Section 1, Chapter 113 of the General Laws of the Twenty-eighth Legislature, as amended by Section 16 of Chapter 106 of the General Laws of the Twenty-ninth Legislature, so as to include in the provision of that section the Telegraphers' Mutual Benefit Association from the provisions of the laws of this State governing fraternal beneficial associations,"

Have had the same under consideration, and I am instructed to report same back to the Senate with the recommendation that it do pass.

HUDSPETH, Chairman.

(Floor Report.)

Austin, Texas, February 24, 1909.

Hon. A. B. Davidson, President of the Senate.

Sir: Your Committee on Counties and County Boundaries, to whom was referred

Senate bill No. 165, A bill to be entitled "An Act to amend Article 811, Title 23, Chapter 5 of the Revised Civil Statutes of the State of Texas of 1895, relating to the re-location of county seats,"

Have had the same under consideration, and beg leave to report same back to the Senate with the recommendation that it do pass.

Hudspeth, Chairman; Willacy, Hayter, Adams, Perkins, Thomas, Murray.

(Floor Report.)

Austin, Texas, February 26, 1909.

Hon. A. B. Davidson, President of the Senate.

Sir: Your Committee on Roads, Bridges and Ferries, to whom was referred

Senate bill No. 285, A bill to be entitled "An Act to create a more efficient road system for Val Verde county, Texas, and making the county commissioners of said county ex-officio road overseers, and prescribing their duties as such, and providing for their compensation as such road commissioners, and providing for the working of county convicts upon the public roads of said county, and providing for the amount of compensation in road time to be allowed by overseers to road hands for teams and road work, and providing for the condemnation of land for public road purposes, and relieving road hands from the performance of road work, by the payment of the sum of \$3.00, and providing further, making this law cumulative of the general laws and in case of conflict this act to govern as to Val Verde county, Texas, and fixing a penalty for the violation of this act, and repealing all laws in conflict with this act, and declaring an emergency,"

Have had the same under consideration, and beg leave to report it back to the Senate with the recommendation that it do pass, and be not printed.

Greer, Chairman; Peeler, Murray, Mayfield, Terrell of McLennan, Senter, Veale, Paulus.

(Floor Report.)

Austin, Texas, February 25, 1909.

Hon. A. B. Davidson, President of the Senate.

Sir: Your Committee on Roads, Bridges and Ferries, to whom was referred

Senate bill No. 264, A bill to be entitled "An Act to amend Sections 5 and 6 of Chapter 134 of the General Laws passed by the Thirtieth Legislature, entitled 'An Act to authorize any county, or any political subdivision of a county upon a vote of two-thirds majority of the resident property taxpayers voting thereon, who are qualified electors of such county or political subdivision of the county, to issue bonds or otherwise lend its credit in any amount not to exceed one-fourth of the assessed valuation of the real property of such county, or political subdivision thereof, and to levy and collect taxes to pay the interest on said bonds, and to provide a sinking fund for the redemption thereof for the purpose of constructing, maintaining and operating macadamized, graveled and paved roads and turnpikes, or in aid thereof,' and to add thereto Section 6a, creating road districts, and making them bodies corporate, and creating the office of road superintendent in such road districts, and declaring an emergency,"

Have had the same under consideration, and beg leave to report it back to the Senate with the recommendation that it do pass.

Greer, Chairman; Perkins, Terrell of McLennan, Veale, Mayfield, Murray, Senter.

(Floor Report.)

Austin, Texas, February 26, 1909.

Hon. A. B. Davidson, President of the Senate.

Sir: Your Committee on Roads, Bridges and Ferries, to whom was referred

Senate bill No. 274, A bill to be entitled "An Act providing for a special road law for the county of Jasper, creating the office of superintendent of public roads and bridges; defining the powers and duties of road overseers; defining what persons are subject to work upon the public roads; providing proper penalties for violation of this act, and declaring an emergency,"

Have had the same under consideration, and beg leave to report it back to the Senate with the recommendation that it do pass and be not printed.

Greer, Chairman; Sturgeon, Murray, Veale, Paulus, Mayfield, Senter, Peeler.

Committee Room,
Austin, Texas, February 26, 1909.

Hon. A. B. Davidson, President of the Senate.

Sir: Your Committee on Internal Improvements, to whom was referred

Senate bill No. 249, A bill to be entitled "An Act placing the telegraph and telephone companies under the Railroad Commission of Texas,"

Have had the same under consideration, and I am instructed to report it back to the Senate with the recommendation that it be referred to Judiciary Committee No. 2.

BRACHFIELD, Chairman.

Committee Room,
Austin, Texas, February 26, 1909.

Hon. A. B. Davidson, President of the Senate.

Sir: Your Committee on Engrossed Bills have carefully examined and compared

Senate bill No. 137, A bill to be entitled "An Act to amend Title 12, Chapter 2, Revised Civil Statutes of the State of Texas, by adding to Article 278, Article 278a, prescribing mode of appointing assistant district attorneys in districts of 60,000 population and over, where there is no criminal district court established, and qualification therefor, and duties thereof, and affixing salary, and declaring an emergency,"

And find the same correctly engrossed.

WARD, Chairman.

Committee Room,
Austin, Texas, February 26, 1909.

Hon. A. B. Davidson, President of the Senate.

Sir: Your Committee on Engrossed Bills have carefully examined and compared

Senate bill No. 276, A bill to be entitled "An Act to amend Sections 1 and 2 of an act entitled 'An Act to reorganize the Forty-seventh Judicial District and to create the Sixty-ninth Judicial District, to fix the time for holding the terms of the district court in said district, and to provide for the appointment of a district judge and district attorney in the said Sixty-ninth Judicial District, and declaring an emergency,'"

And find the same correctly engrossed.

WARD, Chairman.

Committee Room,
Austin, Texas, February 25, 1909.

Hon. A. B. Davidson, President of the Senate.

Sir: Your Committee on Enrolled Bills have carefully examined and compared

Senate bill No. 169, "An Act to name the several counties composing the Thirty-third and the Fifty-first Judicial Districts of the State of Texas, and to fix the time for holding the district courts therein, and to repeal an act entitled 'An Act to name the several counties composing the Fifty-first Judicial District and to fix the times for holding the district courts therein,' and to repeal all laws and parts of laws in conflict herewith, Chapter 72, General Laws of the State of Texas, page 98, passed by the Twenty-eighth Legislature, and to repeal Section 2 of an act entitled 'An Act to amend an act to reorganize the Twenty-seventh, Thirty-third and Thirty-fifth Judicial Districts of the State of Texas, and fix the time for holding court therein,' as passed by the Twenty-seventh Legislature, Chapter 64, page 133, and to repeal all laws and parts of laws in conflict therewith, passed by the Twenty-ninth Legislature, Chapter 37, page 47, in so far as the latter act conflicts with the provisions of this act relating to the organization of the Thirty-third Judicial District of the State of Texas,"

And find it correctly enrolled, and have this day, at 5:20 o'clock p. m., presented same to the Governor for his approval.

TERRELL of McLennan, Chairman.

Committee Room,
Austin, Texas, February 26, 1909.

Hon. A. B. Davidson, President of the Senate.

Sir: Your Committee on Enrolled Bills have carefully examined and compared

Senate bill No. 237, "An Act to amend Section 26 of Article 22 of Title 4 of the Revised Civil Statutes of Texas, and to change and prescribe the times for holding district court in the Twenty-sixth Judicial District of the State of Texas, and to define the jurisdiction thereof, and to provide for the venue and transfer of causes in the Twenty-sixth and Fifty-third District courts, and to provide for a clerk of the district court of the Twenty-sixth and Fifty-third Judicial Districts in and for Travis county, and to conform all writs, process, bonds, recognizances and drawing of petit juries of such courts to the

changes made, and providing for the drawing of grand juries in the Twenty-sixth and Fifty-third Judicial Districts, and repealing all laws in conflict herewith, and declaring an emergency."

And find it correctly enrolled, and have this day, at 12 o'clock m., presented same to the Governor for his approval.

TERRELL of McLennan, Chairman.

PETITIONS AND MEMORIALS.

By Senator Terrell of McLennan:

West, Texas, February 25, 1909.

Senator H. B. Terrell, Austin, Texas.

Dear Sir: We, the undersigned citizens and taxpayers of West, Texas, and vicinity, hereby earnestly request our Representatives and Senator to work for the amendment or change of the anti-pass law so as to allow the railroads of Texas to issue free passes to the immigration agents in Texas, for we believe they are a great factor in the upbuilding and development of our great State.

Numerously signed.

By Senator Stokes:

Hon. C. C. Stokes, Austin, Texas.

Dear Sir: We, the undersigned citizens of your district, would most respectfully petition you to use your influence and vote against the anti-racing bill, commonly known as the Robertson bill, now before your honorable body. We are not opposed, but heartily in accord with the measure proposed allowing fifteen days' meeting in each county fair, allowing Pari-Mutuel or auction pools, or both, on the track on the days of the regular meetings. We believe to prohibit all betting on races will greatly injure or entirely kill every fair association in the State of Texas, and be of incalculable injury to the horse breeding industry of the State.

Numerously signed.

By Senator Bryan:

We, the undersigned customers of W. E. Berry (who sells the J. R. Watkins Med. Co. line of goods in Nolan county, Texas) earnestly request that you vigorously oppose the druggists' bill as unfair and un-American; that we are fully satisfied with the Watkins plan of selling direct to us at the regular price of goods of like nature bought elsewhere. That he is an honorable man and contributes as much to the upbuilding of our country and pays as

much tax as any of the druggists who are opposing him in trying to have this unfair tax passed. That you repeal the present tax and make it one hundred (\$100) dollars per annum instead of one hundred and fifty (\$150) dollars; it will be more fair and equitable.

Numerously signed.

The Chair had the following read to the Senate:

Plainview, Texas, February 22, 1909.

To the State Senate, Austin, Texas:

We, the undersigned citizens of Hale county, do hereby petition your honorable body to vote for the breeders' bill and against the Robertson bill when same comes up for hearing before your body.

Numerously signed.

By Senator Cofer:

Throckmorton, Texas, Feb. 24, 1909.

We, the undersigned citizens of this, the Twenty-ninth Senatorial and the One Hundred and Fourth Representative District of the State of Texas, do hereby petition this, the Thirty-first Legislature, to pass such laws as will prohibit race track gambling and the Sunday opening of fairs in this State.

Numerously signed.

By Senator Bryan:

We, the undersigned citizens and taxpayers of Snyder and vicinity, hereby earnestly request and petition our Representative and Senator to work for the amendment or change of the anti-pass law so as to allow the railroads of Texas to issue free passes to the immigration agents in Texas, for we believe they are a great factor in the upbuilding and development of our great State.

Numerously signed.

THIRTY-FIFTH DAY.

Senate Chamber,
Austin, Texas,

Monday, March 1, 1909.

Senate met pursuant to adjournment, Lieutenant Governor A. B. Davidson presiding.

Roll call, quorum present, the following Senators answering to their names:

Adams.	Harper.
Alexander.	Hayter.
Brachfield.	Holsey.
Bryan.	Hudspeth.
Cofer.	Kellie.
Greer.	Masterson.